

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 5 December 2018 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the previous meetings of the Planning Committees (Pages 5 - 40) held on 12 September, 10 October and 7 November 2018 (attached)
- 3 Public Question Time.
- 4 Declaration of Interests.

To receive and record any declarations of disclosable pecuniary interests or personal or prejudicial interests in respect of any matters included on the agenda for consideration at this meeting.
(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)
- 5 06/17/0033 (Pages 41 - 80)

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard
- 6 38/18/0162 (Pages 81 - 128)

Residential development of 182 no. dwellings on land to the North of Tangier and Castle Street, Taunton
- 7 48/18/0035 (Pages 129 - 140)

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield
- 8 Latest Appeals and decisions received (Pages 141 - 144)

Bruce Lang
Assistant Chief Executive

27 November 2018

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

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

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

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

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

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

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

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



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

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



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

For further information about the meeting, please contact the Governance and Democracy Team on 01823 356356 or email democraticservices@tauntondeane.gov.uk

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Planning Committee Members:

Councillor R Bowrah (Chairman)

Councillor M Hill (Vice-Chair)

Councillor J Adkins

Councillor M Adkins

Councillor W Brown

Councillor S Coles

Councillor J Gage

Councillor C Hill

Councillor S Martin-Scott

Councillor I Morrell

Councillor S Nicholls

Councillor J Reed

Councillor N Townsend

Councillor P Watson

Councillor D Wedderkopp

Planning Committee – 12 September 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Brown, Cavill, Coles, Hall, C Hill, Morrell,
Mrs Reed, Mrs Smith, Townsend, Watson and Wedderkopp

Officers: - Tim Burton (Assistant Director Planning and Environment), Bryn
Kitching (Planning Manager), Gareth Clifford (Planning Officer), Martin
Evans (Solicitor, Shape Partnership Services) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillors Berry, Lisgo, Williams and Mrs A Elder, Chairman of the
Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

62. Apologies/substitutions

Apologies: Councillors Mrs J Adkins, M Adkins, Martin-Scott and Nicholls

Substitutions: Councillor Cavill for Councillor M Adkins
Councillor Hall for Councillor Martin-Scott
Councillor Mrs Smith for Councillor Nicholls

63. Declarations of Interest

All Councillors declared that they had received correspondences from the following; Quantock House, Lyngford House and leaflets on alternative approach to Coal Orchard. Councillor Bowrah declared that he had received various emails. He declared that he had not 'fettered his discretion'. Councillor Mrs M Hill declared that she had a meeting regarding information on Lyngford House. She declared that she had not 'fettered her discretion'. Councillor Watson declared that he was the Ward Councillor for Bishops Lydeard, application No. 53/18/0005, he declared that had not 'fettered his discretion'. Councillor Townsend declared that Elliot Haines, application No. 38/18/0185 was his Landlord of his business premises, he declared that he had not 'fettered his discretion'. Councillor Hall declared that he was on the Quantock House committee with quantum. He declared that he had not 'fettered his discretion'.

64. Applications for Planning Permission

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

65. 53/18/0005

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

Reported this application.

Resolved that the decision to grant reserved matters consent be delegated to the Assistant Director Planning and Environment subject to no new issues arising from responses from the County Highway Authority and Local Lead Flood Authority and the inclusion of any relevant conditions be imposed:-

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo P1644:01 Location Plan;
- (A1) DrNo 2283/520-1 Rev C Engineering Layout (1 of 2);
- (A1) DrNo 2283/520-2 Rev A Engineering Layout (2 of 2);
- (A1) DrNo 2283/530-1 Rev A Section 38 Plan (1 of 2);
- (A1) DrNo 2283/530-2 Rev A Section 38 Plan (2 of 2);
- (A1) DrNo 2283/535 Footpath Link Details;
- (A1) DrNo 2283/550 Rev A Off-Site Highway Works General Arrangement Plan;
- (A1) DrNo 2283/555 Off-Site Highway Works Swept Path Assessment;
- (A1) DrNo 2283/600 Rev A Road Longitudinal Sections;
- (A1) DrNo 2283/700 Drainage Construction Details;
- (A1) DrNo 2283/701 Pipe Bedding Details;
- (A1) DrNo 2283/710 Rev A Manhole Schedules;
- (A1) DrNo 2283/720 Rev A Detention Basin Details;
- (A1) DrNo 2283/730 Highway Construction Details;
- (A1) DrNo P1644:03 Rev C Proposed Site Layout;
- (A1) DrNo P1644:04 Rev C Site Concept Analysis;
- (A1) DrNo P1644:05 Rev C Site Layout Analysis;
- (A3) DrNo P1644:06 Refuse Strategy;
- (A3) DrNo P1644:09 Boundary Treatments 1 of 2;
- (A3) DrNo P1644:10 Boundary Treatments 2 of 2;
- (A3) DrNo P1644:11 Rev A Type 2308 Floor Plans;
- (A1) DrNo P1644:12 Rev B Proposed Garages;
- (A3) DrNo P1644:13 Rev A Type 2224 Brick Variant Plot 9 & 21 (Plans and Elevations);
- (A3) DrNo P1644:14 Rev A Type 2224 Brick Variant (Plans & Elevations);

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

(b) Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2.0m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered;

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

- (d) (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;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that for avoidance of doubt, this reserved matters consent does not approve the layout or equipment to be installed in the children's play area as required by condition 3 of the outline planning consent. At the time of this decision, this condition remains to be fully complied with, including the submission of layout and equipment to be installed.)

66. 38/18/0144

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

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

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

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

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

67. Proposed demolition of swimming pool and erection of mixed use development comprising of retail, commercial, restaurant, residential,

**car park and associated public realm at Coal Orchard, Taunton
(38/18/0185)**

Reported this application

Resolved that subject to a legal agreement to secure affordable housing and a children's play contribution and variation of the previous agreement to secure the highway works and travel plan. The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo COT-LL-ZZ-00-DR-L-90-200-S4 Rev B Steps/Seating Steps Sections;
- (A1) DrNo COT-LL-ZZ-00-DR-L-90-002-S4 Rev B Planting Strategy - Sheet 1;
- (A1) DrNo COT-LL-ZZ-00-DR-L-90-003-S4 Rev A Planting Strategy - Sheet 2;
- (A1) DrNo COT-LL-ZZ-00-DR-L-90-001-S4 Rev D Illustrative Master Plan;
- (A1) DrNo COT-LL-ZZ-00-DR-L-90-000-S4 Rev C Hardworks & Levels;
- (A1) DrNo COT-LL-A-ZZ-DR-A-20-001-S4 Rev P02 Site Location and Block Plans;
- (A1) DrNo COT-LL-A-03-DR-A-20-013-S4 Rev P01 Roof Plan;
- (A1) DrNo COT-LL-A-01-DR-A-20-012-S4 Rev P04 Second Floor Plan;
- (A1) DrNo COT-LL-A-01-DR-A-20-011-S4 Rev P04 First Floor Plan;
- (A1) DrNo COT-AHR-E-ZZ-DR-A-20-152 Planning Elevations - Block E - Sheet 2;
- (A2) DrNo COT-AHR-D-01-DR-A-20-050 Rev P01 Planning GA - Block D - First Floor Plan;
- (A1) DrNo COT-AHR-E-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block E - Sheet 1;
- (A2) DrNo COT-AHR-E-03-DR-A-20-050 Rev P01 Planning GA - Block E - Roof Plan;
- (A2) DrNo COT-AHR-E-02-DR-A-20-050 Rev P01 Planning GA - Block E - Second Floor Plan;
- (A2) DrNo COT-AHR-E-01-DR-A-20-050 Rev P01 Planning GA - Block E - First Floor Plan;
- (A2) DrNo COT-AHR-E-00-DR-A-20-050 Rev P01 Planning GA - Block E - Ground Floor Plan;
- (A2) DrNo COT-AHR-D-03-DR-A-20-050 Rev P01 Planning GA - Block D - Roof Plan;

- (A2) DrNo COT-AHR-D-02-DR-A-20-050 Rev P01 Planning GA - Block D - Second Floor Plan;
- (A2) DrNo COT-AHR-D-00-DR-A-20-050 Rev P01 Planning GA - Block D - Ground Floor Plan;
- (A3) DrNo COT-AHR-C-01-DR-A-20-050 Rev P01 Planning GA - Block C - Roof Plan;
- (A3) DrNo COT-AHR-C-00-DR-A-20-050 Rev P02 Planning GA Block C Ground Floor Plan;
- (A3) DrNo 42312/2001/100 Rev C Vehicle Turning Area Option 1;
- (A3) DrNo 1634/TLP Rev A Tree Location Plan;
- (A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting;
- (A1) DrNo C161148-C502 Post Development Overland Flow Routes;
- (A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting;
 - (A1) DrNo 42312-2001-500 Surface and Foul Water Drainage Layout;
 - (A1) DrNo COT-AHR-D-ZZ-DR-A-20-152 Rev P01 Planning Elevations - Block D - Sheet 2;
 - (A1) DrNo COT-AHR-D-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block D - Sheet 1;
 - (A1) DrNo COT-LL-A-ZZ-DR-A-20-200-S4 Rev P03 Proposed Sections;
 - (A1) DrNo COT-LL-A-ZZ-DR-A-20-103-S4 Rev P03 East & West Elevation;
 - (A1) DrNo COT-LL-A-ZZ-DR-A-20-102-S4 Rev P03 North and South Elevations;
 - (A1) DrNo COT-LL-A-ZZ-DR-A-20-101-S4 Rev P03 Proposed Elevations;
 - (A1) DrNo COT-LL-A-ZZ-DR-A-20-100-S4 Rev P03 Contextual South Elevations;
 - (A1) DrNo COT-LL-A-00-DR-A-20-010-S4 Rev P04 Ground Floor Plan;
 - (A1) DrNo COT-AHR-C-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block C - Sheet 1;

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

These details shall include: -

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage

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

Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

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

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

- (d) (i) A landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted report, dated April 2016 and October 2017 and up to date surveys and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for bats and birds;
 4. Details of any lighting.

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

and provision of new bat and bird boxes and related accesses have been fully implemented;

- (f) The improved footway to Coal Orchard shall be provided prior to occupation of any flat and there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the car park access and extending to points on the nearside carriageway edge 33 metres either side of the access or as agreed if less. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (g) No new construction shall take place until the applicant, or their agents or successors in title, has secured the implementation of the agreed programme of archaeological work in accordance with the written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority and any finds shall be recorded and reported;
- (h) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the Technical Note plans dated 10 April 2018, and the following mitigation measures detailed within the FRA:
 - 1- No residential dwelling below 15.62 m AOD.
 - 2- Provide flood resilience to the ground floor of the building.
 - 3- Provide floodplain compensation storage for the building located in Flood zone 3.
 - 4- No interruption to the overland flood route.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA;
- (i) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (j) No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:
 - 1. Site security.
 - 2. Fuel oil storage, bunding, delivery and use.
 - 3. How both minor and major spillage will be dealt with.

4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

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

- (k) The electrical vehicle charging points shall be provided within the public car park prior to the occupation of the 20th residential unit;
- (l) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted as part of the condition. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (m) Notwithstanding the materials shown on the submitted drawings and prior to the construction of any buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (n) A contract shall be let for the construction of the replacement building in place of the swimming pool within one month of the demolition completion;
- (o) No demolition works to which this consent/permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority;
- (p) No new build development shall commence until a planning obligation pursuant to Section 106 of the Town and County Planning Act 1990 has been entered into by the landowner of the application site to secure:

the provision of eight discounted open market apartments to be sold at no more than 75% of the open market value in accordance with the approved Affordable Housing Scheme shown on the submitted drawing COT-LL-A-ZZDR-A-20-400;

an off-site financial contribution for children's play of £3,263 index linked per each dwelling comprising two or more bedrooms, to be paid prior to the first occupation of the 21st dwelling and to be used for the provision of play equipment within the vicinity of the development;

the provision of highway works in accordance with the planning obligations contained in the S106 Agreement dated 19th April 2018 in respect of planning permission reference number 38/16/0357;

the provision of a travel plan in accordance with the planning obligations contained in the S106 Agreement dated 19th April 2018 in respect of planning permission reference number 38/16/0357;

Notes to applicant (1) Applicant was advised that 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) Applicant was advised of the Notes at the request of the Biodiversity Officer:

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

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

- Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (3) applicant was advised notes requested of the Environment Agency; Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase; We recommend that the applicant produces a flood warning and evacuation plan in consultation with the Emergency Planners at North Somerset Council. There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively; There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area; This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for some of the proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted; The need for an Environmental Permit is over and above the need for planning permission; (4) Applicant was advised of notes at the request of the Canal and River Trust; • The Canal & River Trust act as Navigation Authority only for the adjacent river. However, the river is hydraulically linked to the Bridgwater & Taunton Canal. We would therefore wish to ensure that no pollution of the water environment takes place during

the demolition and building phase and that all works comply with the environment Agency's guidance and best practice;

68. Erection of 88 assisted living extra care apartments (use class C2 with ground floor restaurant and associated car parking, mobility scooter parking, cycle stores, private landscaping and public art at Quantock House, Paul Street, Taunton (38/18/0173))

Reported this application

Resolved that subject to:-

1. The view of the Highway Authority on the access position, and
2. The applicant varying the Section 106 agreement to secure;
 - Improvements to the pedestrian crossing facilities at the signalised Paul Street/Mary Street junction;
 - A Travel Plan;
 - The inclusion of public art within the development;The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 903A-100 Location Plan;
 - (A1) DrNo 903A-101 Topographical Survey;
 - (A1) DrNo 903A-200 Site Layout – Lower;
 - (A1) DrNo 903A-201 Site Layout – Upper;
 - (A3) DrNo W15376_SX Topographical Survey;
 - (A1) DrNo 903A-202 Site Layout – Roof;
 - (A3) DrNo 903A-300 Lower Ground Floor;
 - (A1) DrNo 903A-301 Upper Ground Floor;
 - (A3) DrNo 903A-302 Floor Plans - 1st - 7th;
 - (A1) DrNo 903A-400 East Elevation;
 - (A1) DrNo 903A-401 South Elevation;
 - (A1) DrNo 903A-402 West Elevation;
 - (A1) DrNo 903A-403 North Elevation;
 - (A1) DrNo 903A-404 East Elevation;
 - (A1) DrNo 903A-405 South Elevation;
 - (A1) DrNo 903A-406 West Elevation;
 - (A1) DrNo 903A-407 North Elevation;
 - (A1) DrNo 903A-500 Sections A-A B-B;
 - (A1) DrNo 903A-501 Sections C-C, D-D;
 - (A1) DrNo 903A-600 Site Details;
-
- (A1) DrNo 903A-203 Site Layout - Lower;

- (A1) DrNo 903A-601 Site Layout - Tracking;
- (b) Before development construction commences (including demolition and site clearance and any other preparatory works) the protective fencing and ground protection detailed on Hellis Arboriculture & Landscape Design Drawing "Tree Protection Plan ref: TPPQH) received 05 July 2017 shall be erected/installed. The protective measures shall be maintained and retained for the full duration of works at the site or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (c) The archaeological investigations detailed in the Written Scheme of Investigation produced by AB Heritage, project no. 60025 dated 04/05/2017 and as updated by the addendum dated 01/06/2017 shall be fully carried out prior to the commencement of any other work on the site. The results of the investigations shall be recorded and reported in accordance with the WSI dated 04/05/2017 prior to the occupation of the building hereby permitted;
- (d) Other than the demolition of the existing building, site clearance and any highway works, no development shall be commenced until the detailed design for the surface water drainage scheme, based on submitted proposed drainage strategy, together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume which provides a minimum of 30% betterment over existing runoff rates and volumes. Such works shall be carried out in accordance with the approved details;
- (e) Prior to their installation, samples panels of the materials to be used in the construction of the external surfaces of the development measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such;
- (f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the use of the site discontinues;
- (g) Other than the demolition of the existing building and other site preparatory works, no work shall commence on the development hereby permitted until

the details of the access junctions generally in accordance with drawing number 903-201 Rev A Site Plan LGF Level, 903-202 Rev A Site Plan UGF Level, 903-203 Rev A Site Plan LGF Level Delivery Entrance have been submitted to, and approved in writing by the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;

- (h) Prior to its installation, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (i) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of first occupation of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) The applicant shall undertake all the recommendations made in Peach Ecology's Ecological assessment report dated September 2016, and provide mitigation for bats and birds as recommended;

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

- (k) Prior to first occupation a servicing statement detailing measures to ensure that deliveries and refuse collection vehicles can safely move into the delivery area and avoid any conflict in entering and exiting vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. Following occupation of the building, the measures detailed in the approved statement shall thereafter be fully complied with;
- (l) Taxi and ambulance bays as detailed by drawing number 903A-600 shall be formed at the point of access in accordance with the detailed plan and specifications. Such bays shall be completed before the development hereby permitted is first occupied and shall be available for the parking and checking of vehicles at all times. The bays shall at no time be used other than for the parking of vehicles on a short-stay basis;

- (m) The access, parking and turning spaces detailed on the drawings hereby permitted shall be properly consolidated and surfaced in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (n) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access/egress and extending to points on the nearside carriageway edge 33 metres either side of the delivery and exit access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (o) The Restaurant/Bistro/Community Meeting Room space (shown coloured light pink) on Level 01 (drawing 903-301) may be used for any purpose within classes A1, A3, D1 or D2 of the Schedule to the Use Classes Order 1987 as amended;

69. Re-development of Lyngford House site into 45 (C2 use class) assisted living dwellings consisting of 6 apartments, 33 new build houses, conversion and refurbishment of Lyngford House into 3 apartments and communal facilities, conversion and refurbishment of associated listed cottages (Coach House and Stables) into 3 houses. All with associated landscaping. Demolition of the conference centre and apartment block, closure of the Lyngford Lane site entrance , changes for pedestrians and cyclists and relocation of the Selworthy Road entrance to allow for a new key view and approach to Lyngford House as amended by plans 918/109B, 113A, 105A, 115 and 918/410 Rev B, 402C, 405and 412B (38/18/0108)

Reported this application

Resolved that subject to a S106 agreement to secure the C2 use and the Travel Plan.

the Assistant Director – planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions (subject to minor change or additional conditions following further consultation responses) be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- A1) DrNo 918-413A House Type F Plans, Elevations & Section Plots: 29 – 36;
- (A1) DrNo 918-409A House Type E Plans, Elevations & Section Plots: 17 – 19;
- (A1) DrNo 918-406 House Type B Plans, Elevations & Section Plots: 11&12, 15&16;
- (A1) DrNo 918-405 House Type C1 Units 9&10;
- (A1) DrNo 918-404 House Type A Plans, Elevations & Section, Plots: 7&8, 13&14;
- (A1) DrNo 918-402C House Type C Plans, Elevations & Section Plots: 3&4, 5&6;
- (A1) DrNo 918-401A Type D1 Plans, Elevations & Section Plot: 2;
- (A1) DrNo 918-400 House Type D Plans, Elevations & Section Plot: 1;
- (A1) DrNo 918-303 Proposed Elevations & Section Coach House & Stable;
- (A1) DrNo 918-302 Proposed Plans Coach House & Stable;
- (A1) DrNo 918-213 Proposed Sections (2/2) Lyngford House C-C, D-D, E-E;
- (A1) DrNo 918-212 Proposed Sections (1/2) Lyngford House A-A, B-B;
- (A1) DrNo 918-211 Proposed Elevations (2/2) - Lyngford House East & South;
- (A1) DrNo 918-210 Proposed Elevations (1/2) - Lyngford House West & North;
- (A1) DrNo 918-209 Proposed Plans (3/3) - Lyngford House Roof Plan;
- (A1) DrNo 918-208A Proposed Plans (2/3) Lyngford House First Floor & Second Floor;
- (A1) DrNo 918-207 Proposed Plans (1/3) - Lyngford House Basement & Ground Floor;
- (A1) DrNo 918-114 Proposed Plots 12 & 13 / 22 Feversham Way Overlooking & Overshadowing;
- (A1) DrNo 918-113A Proposed Plots 9 & 10 / 20 Feversham Way / Overlooking & Overshadowing;
- (A1) DrNo 918-112 Proposed Plots 7 & 8 / 16 & 18 Feversham Way Overlooking & Overshadowing;
- (A1) DrNo 918-104 Demolition Plan;
- (A1) DrNo 918-100 Location Plan;
- (A1) DrNo 918-115 overlooking plots 27/28 Fletcher Close;
- (A1) DrNo 918-109 Rev B Proposed Site Sections A-A, B-B, C-C;
- (A1) DrNo 918-410 Rev B House Type G Plans, Elevations & Sections Plots:23-26;
- (A1) DrNo 918-412 Rev B House Type G1 Plans, Elevations & Section Plots 27 & 28;

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

- (c) 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;
- (d) (i) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (e) Prior to the wall construction of any buildings, a hard landscape scheme shall be submitted to, and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and hard surface treatment of the open parts of the site, and a programme of implementation;
- (f) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the new access is brought into use and shall thereafter be maintained at all times;
- (h) The area allocated for parking and turning on the submitted plan, drawing number 1408_GP_100 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (i) Prior to first occupation of the development hereby permitted, access to covered cycle, motor cycle and electric vehicle charging points shall be in accordance with a detailed scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to first occupation of the development hereby permitted, pedestrian and cycle visibility splays onto Lyngford Lane shall be submitted to, and approved in writing by, the Local Planning Authority;

- (k) No residential occupation of the site shall take place until a Traffic Regulation Order (TRO) on the southern side of Selworthy Road opposite the access to the site restricting parking has been implemented;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Wildwood Ecology's Ecological Impact assessments report (Bats) dated August 2017 and the Badger Mitigation Strategy and include:
- i. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - ii Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - iii Measures for the retention and replacement and enhancement of places of rest for the badgers, bats and birds;
 - iiii Details of external lighting;
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for badgers, bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new badger sett and bird and bat boxes and related accesses have been fully implemented;
- (m) The development hereby permitted shall not be commenced until details of a scheme for the provision of a replacement badger sett has been agreed and provided and no development shall occur until the method statement for the protection of badgers during construction has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved scheme;
- (n) No development shall be commenced until details of the surface water drainage scheme in accordance with the principles outlined in the Flood Risk Assessment, report ref. 3373/CIV/1803/02 and Drainage Strategy Statement, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than Greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details;
- (o) i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012; ii) Such fencing shall be erected prior to commencement of any other site operations and following a site meeting with the Council to agree its installation;

- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (p) Detail of the public art element to be designed into the public realm of the site shall be submitted to, and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of any dwelling;
- (q) The first floor windows in the east elevations of plots 29-31 shall be obscured glazed and limited opening. The type of obscure glazing and limit of opening shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (r) The first floor windows in the south west or west (rear) elevations of plots 4-8, 11 & 12 shall be obscured glazed and limited opening. The type of obscure glazing and limit of opening shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (s) Details of the obscure glazing to the second floor privacy screen and first floor windows to the north and side elevations of plots 27 & 28 shall be submitted to, and agreed in writing by, the Local Planning Authority and installed prior to occupation and thereafter so retained;
- (t) The arboriculture method statement submitted with the scheme shall be strictly adhered to;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the condition relating to wildlife requires the submission of information to protect badgers, bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how badgers bats and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the badgers, bats and birds that are affected by the development; It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the

legislation. A strategy to protect badgers through the development phase and provide a new sett will require that work is done under license.

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

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

70. Appeals

Reported that one appeal and 4 decisions had been received details of which were submitted.

(The meeting ended at 9:42 pm)

Planning Committee – 10 October 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors J Adkins, M Adkins, Brown, Cavill, Coles, Hall,
Martin-Scott, Morrell, Nicholls, Mrs Reed, Townsend, Watson and
Wedderkopp

Officers: - Tim Burton (Assistant Director Planning and Environment), Bryn
Kitching (Planning Manager), Gareth Clifford (Planning Officer), Martin
Evans (Solicitor, Shape Partnership Services) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillors Berry, Habgood, Mrs Warmington and Mrs A Elder,
Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

71. Apologies/substitutions

Apologies: Councillors Gage and C Hill

Substitutions: Councillor Hall for Councillor Gage
Councillor Cavill for Councillor C Hill

72. Minutes

The minutes of the meeting of the Planning Committee held on 18 July and 15 August 2018 were taken as read and were signed.

73. Public Question Time

Councillor Coles stated that in March 2015 the then DCLG put out a nationally described space standard. I just wanted to ensure that for all new dwellings in the Borough we are complying with that recommendation.

The reply from the Planning Manager, Bryn Kitching was that the national space standard had been taken on board by the site allocations development plan document so we have adopted them as a policy for all applications in Taunton Deane.

74. Declarations of Interest

Councillor Bowrah declared that he was Ward Councillor for application 43/15/0006, he declared that he had not 'fettered his discretion'. Councillor Townsend declared that he was Ward and Parish Councillor for application No. 20/18/0018. He declared that this item had been discussed at the Parish Council meetings on more than one occasion and he had been careful to not 'fetter his discretion' in any way. Councillor Watson declared that he was the

Ward and Parish Councillor for Bishops Lydeard. For application No. 06/17/0033. He declared that he had not 'fettered his discretion'. Councillor Brown declared that he had received a phone call on application No. 43/15/0006. He declared that he had not 'fettered his discretion'.

75. Applications for Planning Permission

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That planning permission be granted for the under-mentioned development:-

20/18/0018

Erection of 1 No. detached dwelling with associated works on land at Copper Hill, Lodes Lane, Kingston St Mary (resubmission of 20/17/001)

- (a) The development hereby permitted shall be begun within three years of the date of this permission:
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 2017019 001 Location and Block Plans;
 - (A3) DrNo 2017019 002 Site Survey;
 - (A3) DrNo 2017019 004 Proposed Site Layout Plan;
 - (A3) DrNo 2017019 005 Proposed Floor Plans & Elevations;
- (c) Details of the proposed boundary treatments on the application site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved;
- (d) (i) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;

- (e) 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;
- (f) 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 Quantock Ecology's submitted reports (Ecological assessment and Great crested newt survey) both dated July 2018 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
- 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;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions or outbuildings shall be constructed without the further grant of planning permission;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that Wessex Water will not permit the build over of public shared sewers by new properties.

Your contractor must undertake private survey to determine the precise location of the existing 150mm public foul sewer which crosses the site. Easements are usually 3 metres either side of public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via soakaway. The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations; (3) Applicant was advised that 1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. 2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) 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; (4) Applicant was advised that the developer of the site is advised that the existing buildings on the site may be constructed from harmful materials (such as asbestos) and their removal and disposal may need to be carried out by a licensed contractor.)

31/18/0010

Erection of two single storey extensions at the rear of 21 Woodlands Drive, Ruishton

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo PL-201 Location Plan ;
 - (A4) DrNo PL-202 Site Plan;
 - (A3) DrNo PL-101 Proposed Elevations;
 - (A1) DrNo PL-102 Proposed Ground Floor Plan;
 - (A1) DrNo PL-103 Proposed Floor Plans;
- (c) The external finishes of the works hereby permitted shall match in material, colour, style, pointing, coursing, jointing, profile and texture those of the existing building;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with applicant and had negotiated amendments to the application to enable the grant of planning permission.)

- (2) That **planning permission be refused** for the under-mentioned development:-

38/18/0165

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning 38/11/0687 at Cutliffe Farm, Sherford

Reason

The Planning Committee declined to endorse the recommendation to approve the application.

(3) That the following application **be deferred** for the reasons stated:

06/17/0033

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent or the provisions of a care home (Class C2) on land at Taunton Road, Bishops Lydeard

Reasons

Consultations were needed with the agents, planning officers and Parish Councillors to discuss the following;

- Mix of properties, to be specific, put back some of the 5 bedroom properties;
- More 2 bedroom properties and not so many 3 bedroom properties;
- More bungalows;
- Self-build sites as long as it comes within the viability;
- Materials – there should be more sandstone properties (mixed);
- Need to take the neighbourhood plan on board;

76. Demolition of Mill Building and erection of 8 No. Dwellings with associated access and landscaping at Haymans Mill, Payton Road, Westford, Wellington (revised scheme to 43/14/0053) 43/15/0006

Reported this application

Resolved that subject to:- the completion of a suitable legal agreement to secure off-site provision of children's play equipment consisting of a multi-unit climbing modular unit with slide and small pod swing, plus installation costs. The equipment to be installed at the Taunton Deane Borough Council play area in Warren Street.

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 2856.04.103 Rev B Proposed Street Scene Elevations;

- (A1) DrNo SK01 - C15 1399 Proposed Drainage Strategy;
- (A4) DrNo SK02 - C15 1399 Sketch;
- (A3) DrNo SK03 - C15 1399 EA Westford Reservoir Location;
- (A1) DrNo 2856.04.100 Rev C Proposed Plots 1-3 Plans & Elevations;
- (A1) DrNo 2856.04.101 Rev C Proposed Plots 4-6 Plans & Elevations;
- (A1) DrNo 2856.04.102 Rev C Proposed Plots 7-8 Plans & Elevations;
- (A1) DrNo 2856.04.050 Rev D Proposed Site Plan;
- (A1) Plan HM-HYD-00-XX-DR-C-7001 P2 Proposed drainage strategy option 2;

(c) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

(i) Site Characterisation;

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
 - An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

(ii) Submission of Remediation Scheme;

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

(iii) Implementation of Approved Remediation Scheme;

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

(iv) Reporting of Unexpected Contamination;

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

(v) Verification of remedial works;

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority;

(vi) Long Term Monitoring and Maintenance;

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (d) Prior to the commencement of the development hereby approved detailed plans showing the realignment of the culvert shall be submitted to, an agreed in writing by, the Council. The agreed alignment shall be completed prior to the occupation of the dwellings hereby approved;
- (e) Prior to occupation of the dwellings, 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. The works shall thereafter be retained and maintained in that form;
- (f) Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the units are occupied and thereafter maintained at all times;
- (h) The area allocated for parking and turning on the submitted plan (drawing no 2856.04.050 Rev B) shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (i) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines 2.4m back from the carriageway edge in the centre line of the access and extending to points on the nearside carriageway edge 31m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced use and shall thereafter be maintained at all times;
- (j) 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 Acorn Ecology's submitted reports, dated May/June 2013 and July/August 2013, 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. Arrangements to secure the presence of a licensed bat worker to be present on site to monitor the demolition;

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 bats and sparrows shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes and sparrow terraces and related accesses have been fully implemented;

- (k) Prior to the construction of any of the hereby permitted stone faced dwelling or stone walls, a panel of the proposed stone measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. Wherever possible, The stone shall include the use of reclaimed stone from the existing mill building. The development shall be completed in accordance with the approved details and thereafter maintained as such;
- (l) No demolition works to which this consent/permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority;

(Notes to applicant:- (1) Applicant was informed that 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 bats, nesting birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal; Bats are known to use the building(s) as identified in Acorn Ecology's report, dated May/June 2013. 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; Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) 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. (2) Applicant was advised that 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; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, County Hall, Taunton. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.)

77. 36/17/0028

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

The application was considered at Planning Committee on 28 February 2018, where a decision was deferred for six months for additional information to be requested from the applicant, namely;

‘Clarification on marketing in particular viewings and offers received. Investigation of alternative uses and the opportunity for the Parish Council to submit a business plan’.

The pub has been marketed on the internet and in print on various sites.

Since November 2016 653 sets of sales particulars have been requested and sent out.

Business accounts have been submitted for the period from 1 December 2015 to 31 May 2017, which indicated a small profit from 1 December 2015 to 31 May 2017. However this would appear to demonstrate that the business is not viable.

The above information clarifies the marketing exercise carried out and also the Parish Councils response to the opportunity to submit a small business plan. The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) Floor Plans;
- (A4) Site location plans;

- (A4) First floor plans;
- (A4) Block plan;

(c) The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site for the parking and turning of vehicles, and such the areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development. The parking area shall be of sufficient size to accommodate three cars;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.)

78. Appeals

Reported that five appeals and two decisions had been received details of which were submitted.

(The meeting ended at 10:10 pm)

Planning Committee – 7 November 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Brown, Coles, C Hill, Morrell, Mrs J Reed, Mrs F Smith,
Townsend, Watson and Wren

Officers: - Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),
Martin Evans (Solicitor, Shape Partnership Services) and Tracey
Meadows (Democracy and Governance Case Manager)

Also present: Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

79. Apologies/substitutions

Apologies: Councillors Mrs J Adkins, M Adkins, Martin-Scott, Nicholls,
Wedderkopp

Substitutions: Councillor Wren for Councillor Mrs J Adkins
Councillor Mrs F Smith for Councillor Wedderkopp

80. Declarations of Interest

Councillor Wren declared that he was the Parish Clerk for Milverton.
Councillor Watson declared that he was the Parish Councillor for Bishops
Lydeard and Cotford St Luke. He declared that he had not 'fettered his
discretion'

81. Applications for Planning Permission

The Committee received the report of the Area Planning Manager on
applications for planning permission and it was **resolved** that they be dealt
with as follows:-

- (1) That **the detailed plans be approved** for the under-mentioned
development:-

53/18/0003

**Reserved matters application to outline 53/14/0008 considering Layout,
Scale, Appearance, Access and Landscaping for residential
development of up to 30 No. dwellings with 3 live/works units, public
open space, allotments, and associated infrastructure on land to the
east of West Villas, Cotford St Luke**

Conditions

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo LOC01 Rev A Location Plan;
- (A1) DrNo PL01 Rev D Planning Layout
- (A3) DrNo HTA/01 Rev C House Type A (Plans and Elevations);
- (A3) DrNo HTA/01 Rev C House Type A(c) (Plans and Elevations);
- (A3) DrNo HTA/01 Rev C House Type A(c)c (Plans and Elevations);
- (A3) DrNo HTAFF1/01 Rev B House Type AFF1&2 (Plans and Elevations);
- (A3) DrNo HTAFF3/01 Rev B House Type AF3 (Plans and Elevations);
- (A3) Dr No HT3B/01 Rev B House Type AF4 (Plans and Elevations);
- (A3) DrNo HTB/01 Rev C House Type B (Plans and Elevations);
- (A3) DrNo HTC/01 Rev D House Type C (Plans and Elevations);
- (A3) DrNo HTD/01 Rev D House Type D (Plans and Elevations);
- (A3) DrNo HTE/01 Rev D House Type E (Plans);
- (A3) DrNo HTE/02 Rev C House Type E (Elevations);
- (A3) DrNo HTEc/01 Rev C House Type E (Plans);
- (A3) DrNo HTEc/02 Rev B House Type E (Elevations);
- (A3) DrNo LWG01 Live/Work Garages (Plans and Elevations);
- (A3) DrNo LWG02 Rev A Live/Work (Plans and Elevations);
- (A3) DrNo G01 Rev A Garages (Plans and Elevations);
- (A1) DrNo LAN01 Rev B Landscaping Layout Sheet 1 of 3 ;
- (A1) DrNo LAN02 Rev B Landscaping Layout Sheet 2 of 3 ;
- (A1) DrNo LAN03 Rev B Landscaping Layout Sheet 3 of 3 ;
- (A3) DrNo SC03 Rail Fence Screening Detail;
- (A3) DrNo SC02 Wall Screening Detail;
- (A3) DrNo SC01 Fence Screening Detail;
- (A3) Wicksteed Playscapes Play Area Proposal;

(b) Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a Heras panel fence 1.8 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered;

- (c) (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;
- (d) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that for the avoidance of doubt, this reserved matters consent does not approve the layout or equipment to be installed in the children's play area as required by condition 4 of the outline planning consent. At the time of this decision, this condition remains to be fully complied with, including the submission of layout and equipment to be installed.)

(2) That **planning permission be granted** for the under-mentioned developments:-

47/18/0013

Demolition of single storey extension and conservatory to be replaced by erection of two storey extension and single storey extension with balcony at Stockton Cottage, to form single dwelling with Ivy Cottage, Bickenhall Lane, West Hatch

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Location Plan ;
 - (A4) Proposed Site Plan;
 - (A2) DrNo 0809 003 Proposed Ground Floor Plan;
 - (A2) DrNo 0809 004 Proposed First Floor Plan;
 - (A2) DrNo 0809 006 Rev A Proposed Elevations;
- (c) The external finishes of the works hereby permitted shall match in material, colour, style, pointing, coursing, jointing, profile and texture those of the existing building;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and has granted planning permission.)

(3) That the following application **be deferred** for the reason stated:

The Vice-Chairman took the chair for this item

48/18/0035

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

Reason

Planning Officers to go back to the developer to ask for more landscaping mitigation for adequate screening in the blue area. This would then be brought back to committee for consideration.

82. Appeals

Reported that one appeal and five decisions had been received details of which were submitted.

(The meeting ended at 8:06 pm)

06/17/0033

DAVID WILSON HOMES SW

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard

Location: LAND AT TAUNTON ROAD, BISHOPS LYDEARD, TAUNTON

Grid Reference: 317097.128749

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to a Section 106 agreement to secure affordable housing, a travel plan, off-site highway works and maintenance of the public open space

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 0640-940 Plans & Elevations Plot 111

(A3) DrNo 0640-939 Plans & Elevations Plots 6-11, 34-37, 98 & 99

(A3) DrNo 0640-938 Plans & Elevations Plots 4, 5, 12, 13, 44, 93-97, 100-104, 110, 112 & 113

(A3) DrNo 0640-937 Plans & Elevations Plots 160 & 163

(A3) DrNo 0640-936 Plans & Elevations Plots 161-162

(A3) DrNo 0640-935 Plans Plots 40-43

(A3) DrNo 0640-934 Elevations Plots 40-43

(A3) DrNo 0640-933 Plans & Elevations Plots 38, 39, 114 & 115

(A3) DrNo 0640-932 Plans Plots 22, 23, 45, 46, 50, 58, 66, 74,76, 132 & 144

(A3) DrNo 0640-931 Elevations 132 & 144

(A3) DrNo 0640-930 Elevations 50, 58 & 74

(A3) DrNo 0640-929 Elevations Plots 22, 23, 45, 46, 66 & 76

(A3) DrNo 0640-928 Plans Plots 120, 135 & 153

(A3) DrNo 0640-927 Elevations Plot 153

(A3) DrNo 0640-926 Elevations Plot 135
 (A3) DrNo 0640-925 Elevations Plot 120
 (A3) DrNo 0640-924 Plans Plots 73,121 & 141
 (A3) DrNo 0640-923 Elevations Plots 73, 121 & 141
 (A3) DrNo 0640-922 Plans & Elevations Plots 47, 60, 69, 72 & 125
 (A3) DrNo 0640-921 Plans & Elevations Plots 52 & 89
 (A3) DrNo 0640-920 Plans & Elevations 56, 57, 67, 123, 138, 142 & 143
 (A3) DrNo 0640-919 Plans & Elevations 14, 15, 24, 25, 55, 59, 84, 122, 136, 146 & 150
 (A3) DrNo 0640-918 Plans & Elevations 1 & 78
 (A3) DrNo 0640-917 Plans & Elevations 90, 145 &147
 (A3) DrNo 0640-916 Plans & Elevations Plots 75, 159 & 172
 (A3) DrNo 0640-915 Plans & Elevations Plots 27 & 65
 (A3) DrNo 0640-914 Plans & Elevations Plot 88
 (A3) DrNo 0640-913 Plans & Elevations 109, 124 & 151
 (A3) DrNo 0640-912 Plans & Elevations Plots 28, 51, 63, 64 & 68
 (A3) DrNo 0640-911 Plans & Elevations 19, 26,70, 71, 77, 137 & 152
 (A3) DrNo 0640-910 Plans & Elevations 29, 154, 157 & 158
 (A3) DrNo 0640-909 Plans & Elevations 168-171
 (A3) DrNo 0640-908 Plans & Elevations Plots
 2,3,17,18,20,21,61,62,91,92,107, 108 118,119, 139,140, 148 & 149
 (A3) DrNo 0640-907 Plans & Elevations Plots 53, 54, 86 & 87
 (A3) DrNo 0640-906 Plans & Elevations Plots 32, 33, 79, 80,105, 106, 126,127, 133,134, 155,156, 166 & 167
 (A3) DrNo 0640-905 Plans & Elevations Plots 83
 (A3) DrNo 0640-904 Plans & Elevations Plot 16 & 85
 (A3) DrNo 0640-903 Plans & Elevations 165 & 173
 (A3) DrNo 0640-902 Plans & Elevations 164
 (A3) DrNo 0640-901 Plans & Elevations plots 48 & 49
 (A3) DrNo 0640-900 Plans & Elevations plots 30,31, 81,82, 116,117 & 128-131
 (A3) DrNo 0640-HTB-Issue 5 Housetype Booklet
 (A0)DrNo 0640-104-1D External Works Layout
 (A0)DrNo 0640-104-2E External Works Layout
 (A0)DrNo 0640-104-3D External Works Layout
 (A0)DrNo 0640-104-4D External Works Layout
 (A0)DrNo 0640-104-5D External Works Layout
 (A0)DrNo 0640-104-6E External Works Layout
 (A0)DrNo 0640-104-7D External Works Layout
 (A1) ES017-ES-00 XX GA C 0531 Rev P6 Drainage Layout for Planning Sheet 2 of 2
 (A1) ES017-ES-00 XX GA C 0530 Rev P4 Drainage Layout for Planning Sheet 1 of 2
 ES017-ES-00-XX-GA-C-0601REV P3 Finished Floor Levels
 ES017-ES-00-XX-GA-C-0600REV P2 Finished Floor Levels
 (A3)0750-016 RevH Site Access Layouts
 (A3)0750-017 RevH Site Access Layouts
 (A3)0750-018 RevH Site Access Layouts
 (A0) DrNo 0640-111 RevD Refuse Strategy Layout
 (A0) DrNo 0640-110 RevD Building Heights Layout
 (A1) DrNo 0640-109 RevB Garages
 (A1) DrNo 0640-108 RevE Materials Layout

(A0) DrNo 0640-107 RevD Adoption Plan
(A3) DrNo 0640-106 RevB External Detailing
(A1) DrNo 0640-103 RevC Street Scenes
(A0) DrNo 0640-102 RevE Planning Layout
(A1) DrNo 0640-101 Location Plan

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three 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).

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

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

5. Prior to the construction of the dwellings above dpc samples of the materials to be used in the construction of the external surfaces of the development (including dormers) shall be submitted to and approved in writing by the Local Planning Authority. A sample panel of any brick or stone walling shall be constructed on site and agreed in writing by the LPA. 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 area.

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecology solution ltd.'s submitted report, dated September 2107 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. A 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 bat, and bird boxes and related accesses have been fully implemented

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

Reason for pre-commencement: To ensure no wildlife are harmed during construction.

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

Reason: To ensure the preservation of archaeological remains.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

8. No more than 20 dwellings shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the works condition and the financial provision made for analysis,

dissemination of results and archive deposition has been secured.

Reason: To secure preservation of the County's heritage.

9. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within 12 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to recreation facilities for occupiers and local residents in accordance with Taunton Deane SADM Plan Policy C2.

10. A phasing plan for the site shall be submitted to and approved in writing by the Local Planning Authority and any variation to the phasing shall be agreed in writing by the LPA prior to it being carried out.

Reason: In the interests of securing a suitable development of the site.

11. Construction work on any dwelling above DPC shall not commence until the improvement to the Taunton Road/A358 junction and the highway re-alignment works to the Taunton Road shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and be fully implemented in accordance with the approved details.

Reason: To ensure the development secures the necessary highway safety improvements.

12. No dwelling to the south of Taunton Road shall be occupied until a pedestrian crossing of the road has been fully installed.

Reason: In the interests of highway safety.

13. There shall be no occupation of the dwellings until the traffic calming, new footway provision and new accesses on Taunton Road in relation to the relevant phase are completed in accordance with the approved details.

Reason: In the interests of highway safety.

14. 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 in conjunction with the approved phasing plan. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

16. Details of the cycleway and footpath connections for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the phase concerned and thereafter so provided.

Reason: In the interests of sustainable development.

17. Details of the street lighting to the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation of housing in that phase.

Reason: In the interests of highway safety.

18. No dwelling shall be occupied until a scheme that secures the provision of suitable electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

19. Secure cycle storage facilities of one space per bedroom shall be fully provided prior to the occupation of each dwelling, 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.

20. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy DM4.

21. Details of the design and finishes to the new electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of the visual amenity of the area.

22. Notwithstanding the detail shown on submitted drawings, the surface treatment to the traffic calming features along Taunton Road shall be submitted to and approved in writing by the Local Planning Authority prior to them being installed and thereafter carried out as agreed.

Reason: In the interests of the character of the area.

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

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development subject to any approved phasing plan.

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

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

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA): Report No. 70024551-FRA-P2-001. No residential development should be undertaken within Flood Zones 2 and 3, and there should be no change of ground levels within Flood Zone 3. This should include no surface water attenuation facilities within Flood Zones 3. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: 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.

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. 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 bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

4. Part of the above proposal falls within Flood Zones 2 and 3, which are areas with a medium and high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources for Flood Zone 3 (i.e. it has a 1% or greater chance of flooding in any given year). For Flood Zone 2 the probability is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

Proposal

The proposal is for the erection of 173 dwellings with car parking, access, drainage and open space and the outline provision of a care home on land off Taunton Road, Bishops Lydeard. The development includes 43 affordable units and 130 open market units including 3, 4 and 5 bedroom properties. The application was deferred from the October meeting and is brought back to committee following the alteration of the mix of units and changes to the materials. Previously there were 4 x 5bed units, 68 x 4bed units, 70 x 3bed units, 23 x 2beds and 8 x 1 bed flats. This has now been revised to 17 x bed units, 55 x 4bed, 58 x 3 bed houses, 2 x 3bed bungalows, 29 x 2 bed houses, 4 x 2 bed bungalows and 8 x 1 bed flats. In addition 16 dwellings are now in part natural stone plus an element of boundary walling along the main road into the village.

The application is accompanied by a Planning Statement, Affordable Housing Statement, Transport Assessment, Travel Plan, Noise Assessment Report, Arboricultural Report, Drainage Strategy Statement, Archaeological Evaluation, Flood Risk Assessment, Geophysical Survey Report, Employment Land Statement, Ecological Assessment, Desk Study and Ground Investigation Report, Statement of Community Involvement, Design and Access Statement, and Topographical Survey.

Site Description

The application site lies to the south-east of Bishops Lydeard. Part of the site lies to the south of Taunton Road, opposite Kings Yard and Webbers, partly abutting the A358 to the south and separated from Brendons by an area of land, for which planning permission has already been granted for residential development. The remainder of the site lies to the north of Taunton Road, abutting Hither Mead to the west and farmland to the east.

Relevant Planning History

None

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL -

The application fails to meet the aspirations of the Bishops Lydeard and Cothelstone Parish Council Neighbourhood Plan in that the Parish Council would wish to see:

- A reduction in the number of dwellings to a number much nearer to 150.
- An increase in the number of bungalows – currently only 4 out of 173.
- Greater use of local sandstone on exteriors rather than red brick to reflect the local vernacular.
- A re-design of the location of the plots nearest to Spinneyfield – in particular, to remove plot 47 from its close proximity.
- An alteration to the road layout within the development to create more of a village atmosphere, for example by the use of curves and generally in line with the TPA recommendations.
- The use of terraced houses along Taunton Road opposite Kings Yard.
- Improvement to the junction of Taunton Road and the A358 including the provision of lighting.
- Speed restrictions on the A358 on the approaches to the above junction.
- Reduction in the number of accesses on to Taunton Road and, in particular, the abandonment of the first turning from the A358 junction on the right-hand side.
- A 20mph speed limit along the whole of Taunton Road.
- The Council believes that incorporating the above proposals would ensure that the proposed development is integrated with the rest of the village to match the aspirations of the Neighbourhood Plan.

The Parish Council is unable to support this application in its present format.

COMMENT ON AMENDED PLANS

The submission which follows is sent under protest for the following reasons:

1. On 23 August last, the Parish Council submitted a request that this application be considered at the November planning committee date as opposed to the October date as the latter clashed with the Parish Council's meeting on the same date. Clearly, members will wish to attend the planning committee date and speak. The Case Officer at TDBC refused the application by email dated 25 September.
2. There has been little or no consultation with the Parish Council by either the applicant or TDBC. For example, the applicant's representatives met with the Parish Council's Working Party Group (a committee of four parish councillors charged with advising and making recommendations to the Parish Council as a whole) on the 28th June to explain the extent of their amended application and submitted it to TDBC a few days later as a fait accompli.
3. Undue pressure has been exerted upon the Parish Council to submit this response to the applicant's amended application. The applicant was allowed some six months within which to make the amended application. However, the Parish Council, without the benefit of professional experts such as employed by the applicant and TDBC, is put under pressure to submit a response within half the time given to the applicant.
4. SCC Highways eventually filed their comments just over three weeks ago. It would seem, at first sight, that none of the Parish Council's comments have been taken on board apart from those relating to the junction of Taunton Road and the A358. SCC Highways have clearly indicated that they are open to further discussion on the issues of concern prior to any planning permission being granted. TDBC's insistence that this application must be considered by its planning committee on the 10th October obviously precludes any such discussion.

This submission is supplemental to that made by the Parish Council at the end of last year. The amended application continues to fail to meet the aspirations of the Parish Council in that:

- There should be a substantial reduction in the number of dwellings now that 0.9 of an acre is being set aside for other uses, to reflect the mix of housing in the original application.
- There should be an increase in the number of bungalows – previously 4 but now only increased to 6 out of 173 dwellings. Whilst there has been a redesign of the plots nearest to Spinneyfield, this has merely resulted in the two additional bungalows being substituted for two 2-storey houses.
- The design of the dwellings fails to adhere to the Parish Council's Neighbourhood Plan.
- The Parish Council continues to have very considerable reservations as to road layout, the lack of speed restrictions, the number of accesses onto Taunton Road with particular reference to the first turning from the A358 junction on the right hand side. The introduction of islands at the junction of Taunton Road and the A358 is welcome.
- The idea of coloured road surfaces along Taunton Road is appalling and quite out of keeping for a village environment. The much better alternative is block paving similar to that at Cotford St. Luke but not necessarily raised.
- The land set aside for a proposed care home is only acceptable if the care

home use is secured by a binding legal agreement that it would not be changed without the consent of the Parish Council.

- The application fails to take account of policy H3 in so far as it relates to consideration being given to the possible provision of skate park and other facilities for young people.

JUSTIFICATION

The Parish Council had hoped that the amended planning application would have taken due note of at least some of the concerns expressed in its original submission.

Sadly, it seems that there has been token recognition at best. The Parish Council's greatest concerns relating to the amended application relate to density, design and road layout and each of these is now considered in detail.

DESIGN and DENSITY

The Core Strategy in its Vision for Rural Areas states that "Development will protect and enhance the local character and distinctiveness of high quality built and natural environment" – p.71.

Policy SP4 states that "In realising the vision for Rural Areas, growth will respect and reflect the rural character".

An area extending to 0.9 of an acre has been removed and set aside for "Care Home (Use Class C2)". Notwithstanding this parcel of land being set aside, the developer still seeks to propose 173 units within the remaining parcels which is wholly disproportionate. This appears to have been essentially achieved by removing 12 5- bed houses and substituting them with 23 pairs of identical semi-detached units – 46 in all. The proposed development clearly overlooks the provisions of paragraph 5.1.3 of the Neighbourhood Plan which states:

"This offers an opportunity to rebalance the housing provision in the local area to reflect changing demographics where there are already insufficient larger family house and too few small dwellings for older people to downsize or retire to. A village the size of Bishops Lydeard, defined as a Major Rural Centre by the Core Strategy, ought to be able to accommodate residents throughout their lifetime should they so wish by providing the different types of housing necessary to do this."

The current mix of housing proposed by the proposed development simply does not reflect this opportunity.

The design of the units in the amended application is a major concern. It would seem that this is just another David Wilson Homes estate and there has been very little effort to consider the policies within Policy H5 of the Neighbourhood Plan and, in particular, paragraphs 5.1.38 and 5.1.39. As an example, at least four of the house designs proposed on this development are replicated on the DWH development currently underway at Priorswood.

The following are relevant extracts from paragraphs 5.1.38, 5.1.39 and 5.1.43:

"New housing development should be a coherent attempt to mirror the local vernacular architecture and character which makes the centre of the village

distinctive. Housing which has no discernible local character should be avoided.

New housing should be designed well and should be built to last from quality materials. The materials used should be predominantly local sandstone, with render and appropriate brickwork. Roofs should have reasonably steep pitches and be of red clay or slate. Windows should ideally be made from timber, not plastic and should not be too large. Guttering and other external features should further seek to reflect traditional styles.

New residential development in Bishops Lydeard should include a variety of low and higher density housing to reflect the historic mix of housing types and densities in the village". Furthermore, the proposed development fails to meet the Vision and Objectives 2 and 6 of the Neighbourhood Plan:

VISION

We aspire to build on the evident fondness that local people have for the village and surrounding countryside by ensuring development does not damage those essential characteristics. Development will be accompanied by the necessary economic growth and infrastructure. We aim to create a sustainable community of which future generations will be proud..

OBJECTIVE 2

New residential development should provide sustainable quality housing and places with appropriate green open space and other supporting infrastructure, and should be in keeping with the local character of the area.

OBJECTIVE 6

Seek to deliver sustainable transport infrastructure to alleviate traffic congestion and road safety issues which have the potential, unless suitably mitigated, to be exacerbated by future residential development in Bishops Lydeard. It is considered that little heed has been paid to these provisions.

SUMMARY

Bishops Lydeard is designated as a major RURAL centre and not an urban centre for which this development would be more suited.

The Parish Council considers that the proposed development in its present format fails to meet the Core Strategy's vision/policy stated above. The proposed development fails to meet the requirements of the Parish Council's Neighbourhood Plan for the reasons mentioned above.

Three new units are currently being built at Station Green and there is a planning application (currently supported by the Parish Council) for a further ten units at Station Green. Furthermore, the Parish Council is aware that a planning application is shortly to be submitted by Livery on the adjoining site at Taunton Road for around 20 units.

Taking these into account would mean that the Core Strategy requirement to host 200 new homes between now and 2028 would already be exceeded. In the circumstances, the Parish Council considers that the maximum number of units that should now be permitted should not exceed 120 .

In all the circumstances, the Parish Council objects to this amended application and expresses the hope that it will be refused or, at the very least, adjourned to enable further discussion to take place on numbers, designs and road issues in the hope that a consensus may be reached.

SCC - TRANSPORT DEVELOPMENT GROUP –

This application is for the development of 173 dwellings off Taunton Road, Bishops Lydeard. The proposed works will include the provision of a new formal pedestrian crossing on Taunton Road, plus improvement of the existing A358/ Taunton Road junction to help ensure its safe operation. Land is also now reserved in this application for the provision of a Care Home, which would need to be the subject of a separate future detailed planning application. The Highway Authority does not object to these revised proposals, as explained below.

Traffic Impact

A Transport Assessment (TA) was produced by Key Transport Consultants in support of this application by David Wilson Homes. The Highway Authority has subsequently commissioned an independent professional peer review of this TA, undertaken by WSP, which has confirmed that the conclusions of the TA can be taken as robust.

The TA has demonstrated that surrounding highway is likely to adequately accommodate the trips generated from the proposed development. In particular, it is noted that the A358/ Taunton Road junction has sufficient spare capacity to accommodate the expected additional vehicle trips.

The TA also considered the effect of the proposed development on the Cross Keys roundabout and Silk Mills junction. Both these junctions are already very busy, and any development within western Taunton Deane or West Somerset is likely to have some impact on their operation. However, the TA has identified that the impact from this development will be relatively small, and this has been confirmed by the peer review. Central Government's national policy is that developments should only be refused on transport grounds where the residual cumulative impacts of development are 'severe', and this clearly would not be the case in this instance. An addendum to the TA has considered the likely traffic impact of a Care Home as now proposed, and the Highway Authority accepts that the impacts of this are expected to be outside of the am or pm peak and are unlikely to be material. With the above in mind, it would be unreasonable for the Highway Authority to object to this application on the basis of the expected traffic impacts of the development.

Travel Plan

A Travel Plan (TP) produced by Key Transport Consultants was submitted in support of this application, and audited by Travel Planning officers in the Highway Authority. A number of issues were identified during the audit, and a revised TP has been produced which successfully addresses the points raised.

The revised TP is generally acceptable, although some minor further amendments will be required prior to it being finalised and secured by an agreement under Section 106 of the Town and Country Planning Act 1990.

Parking

The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a site within Zone B is:

: ZONE B	1 Bed	2 Bed	3 Bed	4+ Bed	Visitor	TOTAL
Policy	1.5	2	2.5	3	0.2	
# Dwellings*	8	23	70	72	-	173
Optimum	12	46	175	216	34.6	449-484
Actual**	8	46	149	239	20	462

*Dwelling numbers taken from Accommodation Schedule

**Actual taken from revised Parking Matrix

The proposed parking arrangements are nominally slightly below the optimum that would be expected for this location, in particular in relation to 3-bed properties and visitor parking spaces, but not to an extent that would warrant an objection from the Highway Authority.

The applicant has briefly indicated in their submission documents the intention to supply suitable electric vehicle charging facilities, and this should be conditioned on any planning consent.

Highway Works

Off-Site Works

A Technical and Safety Audit was undertaken on the elements of the original proposal that would directly affect the existing public highway, including the new accesses, the realignment of Taunton Road, the proposed Zebra Crossing and the alterations to the existing speed limits.

A number of issues were identified, which have subsequently been addressed by the applicant. In particular, there were concerns regarding the relatively close distance between the eastern-most access to the development and the existing Taunton Road/ A358 junction. However, the applicant has undertaken further investigation and assessment and confirmed to the Highway Authority's satisfaction that he proposed arrangements are safe and appropriate.

In addition, the proposals now include measures to improve the safe operation of the Taunton Road / A358 junction, which are welcomed and considered broadly acceptable (subject to full technical audit as would be required for works on the existing public highway).

The Highway Authority therefore does not object to the application in terms of the off-site highway works now proposed. However, the applicant should bear in mind that further audit and assessment subsequent to any grant of planning consent, which could lead to changes in the details of the proposals, will be required as design work is progressed under a suitable legal agreement with the Highway Authority.

Estate Roads

The applicant has made a number of changes to the estate road layout in response to the Highway Authority's concerns. However, in order to achieve a layout fully suitable for adoption as public highway, should this be sought by the applicant, a number of issues still require further clarification and an annex to this formal response details the issues to be reviewed, as this may help inform the

subsequent detailed design process should planning consent be granted.

However, as the suitability for adoption of the estate road layout is a separate issue to the grant of this planning consent, for clarity I can confirm that the Highway Authority does not object to the planning permission currently sought.

The Highway Authority is aware that there may be an ongoing aspiration to produce a less formal layout to 'soften' the development. While this would be fully supported, a holistic approach is needed that considers the layout of the estate as a whole, rather than minor amendments to the roads and footways in isolation. In particular, any amendments to the layout should be careful to ensure that facilities for vulnerable road users, particularly those with mobility issues, are provided where required. The consideration of such amendments would be possible after the approval of the current proposals, if the Local Planning Authority are so minded, and the Highway Authority has therefore recommended the inclusion of a condition to provide a Non-Motorised Road User Context Plan to identify the desire lines for such road users, to ensure any potential future amendments to the proposals still provide appropriate access for all residents, irrespective of their mobility needs.

The applicant should also be aware that, following the publication of The Department for Transport's (DfT) Inclusive Mobility Strategy, Local Highway Authorities have been told to 'pause the development of shared space schemes which incorporate a level surface while we review and update guidance'. No further guidance has at yet been released by the DfT, and in the meantime the Highway Authority is currently unlikely to consider new roads that incorporate a shared surface as suitable for adoption as highway maintainable at the public expense. The Highway Authority does not object to the principle of shared surfaces, but it will remain the developer's responsibility to ensure they are appropriate and the applicant should bear in mind that such roads are likely to remain private.

Drainage

A Flood Risk Assessment (FRA) was submitted in support of the application, together with drainage strategy plans, and these have been reviewed by the Highway Authority's Drainage Engineer.

A number of detailed issues have been identified that will need consideration during the detailed design of the scheme. The results of this audit can be made available to the applicant in order to inform the detailed design process. However, no issues have been identified that would prevent the grant of planning consent, should the Local Planning Authority so determine.

Conclusions

The Highway Authority does not object to the principle of this development, as the traffic impact resulting from the likely trip generation would not be expected to have a severe impact on the existing highway network.

The network within the immediate area has sufficient capacity to cater for the additional trips generated by the new dwellings and, while any development in western Taunton Dean or West Somerset will have some effect on the already busy Cross Keys roundabout and Silk Mills junction, the additional effect of this development will be relatively small and cannot be considered severe.

A generally acceptable Travel Plan has been submitted which, after minor amendment, should be secured under a suitable legal agreement.

The number of parking spaces appears to generally conform to the required optimum standard. A condition should be applied to any planning consent to ensure the provision of facilities for electric vehicle charging.

The proposed access arrangements, including the revisions to the existing highway network and the introduction of new facilities such as a formal pedestrian crossing, are generally acceptable and the Highway Authority would have no objection to the grant of planning permission on this basis.

A number of issues have been identified with regard to the detail of the estate road layout, but these may be addressed during the detailed design and they would not prevent the grant of planning consent. Similarly, issues regarding the design of measures to manage surface water have been identified for consideration during any subsequent detailed design.

With the above in mind, the Highway Authority does not object to the granting of planning permission as sought in this application, but recommends that the following conditions be imposed if planning permission is granted:

- Construction shall not commence on any dwelling hereby approved until the improvement of the Taunton Road / A358 junction has been completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works;
- No part of the development hereby permitted shall be occupied or brought into use until the required highway works, including the realignment of Taunton Road, the provision of traffic calming features on Taunton Road, the provision of a new footway on Taunton Road and the provision of new accesses on Taunton Road, are completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works;
- The development hereby permitted shall not be occupied until the developer has applied for a Traffic Regulation Order (TRO) to amend speed limits in the vicinity of the development in support of the required highway works. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation of the dwellings hereby permitted;

- Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme;
- Before any work is commenced a Non-Motorised Road User Context Plan identifying the anticipated desire lines within and linking to the development shall be submitted to and approved in writing by the Local Planning Authority;
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of works, and thereafter maintained until the completion of construction works;
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- 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 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;
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- 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;

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of a roller shutter/sliding/inward opening type;
- There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development in accordance with a design and specification to be approved in writing by the Local Planning Authority;
- Each dwelling shall, prior to its occupation, be provided with access to a 16 amp electric vehicle charging point;
- Each dwelling shall, prior to its occupation, be provided with secure cycle parking facilities at the rate of one space per bedroom;
- Plans showing parking areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The space(s) for each dwelling shall be properly consolidated before that dwelling is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted; and
- No development shall commence unless a Construction Traffic 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.

Further comments received following the receipt of amended plans:

No new comments to add.

BIODIVERSITY - Ecology solutions carried out an ecological assessment of the site in September 2017.

Findings were as follows

Habitat

The majority of the habitats within the application site generally hold limited value, comprising regularly grazed species-poor semi-improved grassland and ruderal vegetation. The features that hold higher value are the trees, scrub and hedgerows along field boundaries.

The development proposals would result in losses to semi-improved grassland, the removal of two roadside hedgerows and minor losses to trees, scrub and ruderal vegetation. The scheme design which includes the provision of new areas of species-rich habitats such as ponds and new tree, scrub and grassland planting as part of the landscape planting scheme will, I consider, mitigate losses.

Amphibians

At the time of the first survey in April 2016, all water bodies (including the off-site pond toward the north-west) were recorded to be dry or holding very little water. Whilst a torch survey was completed during the survey (with no evidence of amphibian species recorded), subsequent survey visits completed in April, May and June 2016 found all water bodies to be completely dry on each occasion. It is therefore considered that Great Crested Newts would not be present within the application site during either their aquatic or terrestrial phase.

Reptiles

Due to intensive grazing by livestock, grassland habitats present within the application site support a very short sward and so hold limited potential for reptiles.

Badger

An inactive Badger sett was recorded on site.

Bats

Initial bat surveys were undertaken in January 2016 to assess the potential for roosting bats within trees within the application site.

A total of three evening surveys were undertaken in monthly intervals between May and July 2016.

The application site offers opportunities for foraging and commuting bats in the local area, particularly along the hedgerows. Not all the hedgerows will be retained, but those which are retained will be enhanced. New wildflower grassland and SuDS features proposed as part of the landscape scheme will provide foraging opportunities for bats.

A single mature Oak tree present in the south-west corner of the application site is considered to have low potential for roosting bats on account of it supporting a number of cracks and splits. However this tree is to be retained within an area of open space, so no further survey work is required.

Dormice

In order to ascertain the presence or absence of Hazel Dormice within the application site, specific survey work was undertaken between June and October 2016 in the form of a nest tube survey.

No Dormice or evidence to indicate their presence (such as a nest or gnawed nuts) was recorded during any of the monthly checks undertaken between June and October 2016.

Water Voles and Otters.

Given the presence of a fast-flowing stream immediately to the north-east of the application site boundary, specific survey work for Water Voles and Otters was undertaken in June and August 2016 but no evidence was found.

Birds

The application site offers some opportunities for nesting birds in terms of the hedgerows, treelines and scrub.

The proposals will retain the majority of existing hedgerows, tree and scrub, with areas of new planting being proposed within areas of public open space. This will maintain and enhance opportunities for foraging and nesting birds post-development.

I support the proposal to erect bird nest boxes

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 Ecology solution Ltd.'s submitted report, dated September 2107 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. A 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 bat, and bird boxes and related accesses have been fully implemented

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

Informative Note

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 bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

COMMENT ON AMENDED PLANS

I have no further biodiversity comments to make.

LANDSCAPE - The proposed landscaping appears satisfactory but full details are required. Is there potential to retain further roadside hedge in the public open space.

WESSEX WATER - We refer to the reference to sewage treatment capacity outlined below and subsequent updates where we advised that we would complete further appraisal work to confirm the impact on the public sewer system.

We can advise that additional treatment capacity will be required to service catchment growth at Bishops Lydeard. In the longer term we will be preparing a scheme of works to provide treatment capacity. In the short term if the rate of development exceeds the available capacity we have been able to determine that temporary facilities can be installed to meet catchment demand. In the circumstances we are able to withdraw our holding objection. Therefore there will be no requirement to agree any phasing arrangements relating to sewage treatment.

Foul Drainage - Foul Water and Surface Water discharges must be drained separately from the site.

The Drainage Strategy Statement (Sept 2017) proposes a pumped connection to public sewer to the north of the site. The local area is served by a public foul water system draining to Bishop Lydeard STW for treatment before discharge to the local

watercourse. The existing sewage works is approaching capacity and the additional flow from the proposed development is predicted to exceed the current discharge consent.

Sewage Treatment - All sewage works need to operate within prescribed limits of a discharge consent and where these will be exceeded it will be necessary to plan design and construct treatment capacity. Wessex Water acting as the sewerage undertaker will be at risk of prosecution if these proposals proceed ahead of any planned improvements at the treatment works.

We can advise that it will be necessary to carry out a capacity appraisal and confirm the scope of improvement necessary to accommodate the additional loading at the works. A detailed engineering appraisal will require 3 – 6 months to undertake and confirm available capacity or recommendations for improvements.

We are currently completing a strategic review of treatment assets for a capital investment programme between 2020 – 2025. Areas of growth that need a scheme of work to provide enhanced capacity will be prioritised as sites are promoted through the planning system. Once this appraisal has been completed we will be able to advise upon the scope of works. Where any necessary works require additional land and planning consents this will require time to plan design and construct.

There may be scope for a phased approach to the delivery of housing on the site with agreement upon a threshold number of properties that can connect before any scheme of works is constructed. We will be pleased to advise the Local Planning Authority upon these matters in more detail when appraisal work has been completed.

Surface Water Drainage - Surface Water connections to the public foul sewer network will not be permitted.

There are no public Surface Water sewers in proximity of this site

The drainage strategy statement (September 2017) indicates Surface water drainage to SuDS and land drainage systems in accordance with Building Regulations Hierarchy and NPPF Guidelines, which will be subject to approval from the Lead Local Flood Authority.

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Water Infrastructure - The proposed development is crossed by existing water mains, with the approximate positions being marked on the attached record.

Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to these mains for the purposes of maintenance and repair. The planning layout 0640-102 appears to respect the need for satisfactory easement widths for the 400mm and 700mm mains. However the easement for the 15” main appears to conflict with the proposed layout. The developer needs to accurately locate and plot the line of the water mains and ensure that the easement strips are clear from structures and obstruction and that surface levels over the mains are not reduced or increased.

A water connection off the existing 6" CI main in Taunton Road can be provided to supply the proposed development with new water mains installed under a requisition arrangement. Buildings above 2 storeys will require on site boosted storage. Applicant should consult the Wessex Water website for further information and contacts.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

HALSE PARISH COUNCIL - It cannot be sensible to allow this development without having plans to alleviate the increase in traffic which will affect:

- i. The increase in congestion within Bishops Lydeard ('BL') village. Without any car parking facility, the road around the school/Co-op which is currently invariably difficult to negotiate at peak times will deter people from using the amenities.
- ii. The safety of the road junction between Taunton Road and the A358. It is unlit and traffic from Taunton often has to sit at the junction or race across between cars. The positioning of a new junction at the top of the rise (which reduces visibility) and the likelihood of cars speeding across would increase the risk of accidents. This junction needs speed calming measures and lighting.
- iii. The volume of traffic queuing at the Cross Keys roundabout. There will be an adverse impact on congestion at this junction, with the addition hazard of traffic entering/exiting the revamped and bigger petrol station.

Given the large increase in housing, it would be appropriate to require the developer to make a significant contribution to the provision of extending the off-road cycle route from BL to Taunton via Cotford St Luke.

The Doctors surgery is a vital provision not only to BL, but also to residents of surrounding villages. The increase in residents in BL may well affect the ability of the surgery to offer services to new patients currently within their 'catchment' area. Any assistance that the developer could provide should be thoroughly investigated. Due to the closure of the Milverton surgery, the alternative options for nearby villages' residents are significantly less convenient.

Similarly, the effect on local schools' catchment areas if, for example, the Kingsmead one was forced to change due to increased numbers from BL is a concern to other villages, whose children may be squeezed out and required to go elsewhere, again less convenient.

The decision cannot be made purely on the need for more housing, without reacting the effect on infrastructure in advance rather than being thought about as a reaction when issues arise.

WALES & WEST UTILITIES - We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales &

West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

HOUSING STANDARDS - No comments received

HOUSING ENABLING - 25% of all new housing should be in the form of affordable units, which would equate to 43.25 units. It is noted that 43 units are proposed and this should either be rounded up to 44 units or a commuted sum should be paid for the remaining 0.25 unit, in the sum of £11,067.

The proposed mix is considered to meet local demand and meet the requirement of 60% Social Rented and 40% Shared Ownership housing. It is noted that 5 wheelchair units are proposed, which includes 4 bungalows, all of which are stated to be Shared Ownership. It is however considered that two of these bungalows should be changed to Social Rented (suggest swapping with 2 x 2 bedroom houses) to provide an appropriate mix and these Social Rented bungalows should be fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.

It is essential to ensure that the shared ownership bungalows are affordable and on this basis, the percentage share for ownership should not exceed 3.5 x (times) the average household income for the area, with the rent capped at 2%.

The location of the affordable units is considered broadly acceptable, although management difficulties would be envisaged where there is a mix of Shared Ownership and Social Rented properties within the same block. To overcome this, the swap of plot 97 to Shared Ownership and plot 88 to Social Rented is suggested.

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

Further comments received following the receipt of amended plans: –

The revised layout plan retains the same level of affordable housing as the original plan with an appropriate tenure mix, which meets the requirement of 60% Social Rented and 40% Shared Ownership housing

The overall number of affordable homes remains at 43. As 25% of the 173 dwellings proposed would equate to 43.25 units, a commuted sum should be paid for the remaining 0.25 unit, in the sum of £11,067.

Following previous Housing Enabling comments, it is noted that 2 of the bungalows, formerly stated to be shared ownership are now shown to be social rent to provide an appropriate mix. These social rented bungalows should be fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.

It is noted that the scheme now also includes a care home. On the basis that this care home would not provide individual units of self-contained accommodation, there would be no requirement for affordable housing on this element of the scheme.

COMMENT ON AMENDED PLANS

On the basis that the amendments make no alteration to the Affordable Housing mix, Housing Enabling have no further comments to make. Housing Enabling comments made on 12 July 2018 still stand.

ENVIRONMENT AGENCY - Providing the Local Planning Authority is satisfied the requirements of the sequential Test under the National Planning Policy are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of the following conditions which meet the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA): Report No. 70024551- FRA-P2-001.

No residential development should be undertaken within Flood Zones 2 and 3, and there should be no change of ground levels within Flood Zone 3. This should include no surface water attenuation facilities within Flood Zones 3.

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

REASON: To prevent the increased risk of flooding.

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

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

Part of the above proposal falls within Flood Zones 2 and 3, which are areas with a medium and high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources for Flood Zone 3 (i.e. it has a 1% or greater chance of flooding in any given year). For Flood Zone 2 the probability is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comments received

POLICE ARCHITECTURAL LIAISON OFFICER - Places.

Comments:-

Crime Statistics – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/10/2016-30/09/2017 is as follows:-

Arson - 2 Offences (incl. 1 endangering life)

Criminal Damage – 4 Offences (incl. 1 criminal damage to dwelling & 2 criminal damage to vehicles)

Sexual Offences - 1

Theft & Handling Stolen Goods - 6 Offences (incl. 1 theft of motor vehicle and 2 theft from motor vehicles)

Violence Against the Person – 20 offences (incl. 1 wounding, 5 assault ABH, 9 common assault & battery & 2 causing harassment, alarm, distress)

Total - 33 Offences

This averages less than 3 offences per month, which is a very low level of reported crime.

ASB reports for the same period and area total 16 which is also a low level.

Planning Statement – paragraph 5.36 states that *‘the scheme has incorporated Secure by Design principles across the masterplan in order to reduce the likelihood of crime etc. Dwellings have been orientated so that they overlook and front onto the multi-functional recreational route, Locally Equipped Play Area and other informal areas of public open space’*. I concur with this statement and comment on this and other SBD principles below.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The proposed use of physical or psychological features i.e. rumble strips and road surface changes by colour or texture at the road intersections helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access.

Communal Areas – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to enable surveillance from nearby dwellings with safe routes for users to come and go. This proposed development appears to incorporate a number of areas of public open space plus a Recreational Route through the centre of a major part of it. The Recreational Route appears to be well overlooked from nearby dwellings, generally speaking from both sides, and appears to comply with the above advice. What appear to be further Play Areas at the south/west and north/east corners of the development are less well overlooked but do appear to benefit from surveillance from 2 or 3 dwellings opposite. Ideally, from a safeguarding perspective, they should be located in areas with good all round surveillance.

Orientation of Dwellings – as mentioned in the Planning Statement, all the

dwelling appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A large proportion of dwellings are also back to back, which is also recommended, as this restricts unauthorised access to the vulnerable sides and rear of dwellings.

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

Car Parking – a large proportion of the dwellings appear to incorporate in curtilage garages and parking spaces, which complies with police advice. The majority of the communal on-street parking spaces appear to be in small groups, close to and overlooked by owner's homes, which is also recommended.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. The Landscape Plans appear to indicate that this will be the case.

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

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

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

Further comments received following the receipt of amended plans -

As the Care Home element of this application is in outline only, with no proposed site layout plan at this stage, I have no further comments to add.

COMMENT ON AMENDED PLAN

From a designing out crime perspective, the only additional comments I would add to my letter dated 10th October 2017 and subsequent email dated 12th July 2018 are as follows:-

- Road Layout – the proposed use of rumble strips and road surface changes at junctions/intersections complies with the advice given in my original letter.
- Defensible Space – the External Works Layout Plans indicate that dwelling boundary treatments will comprise 1.8 metre walls, closeboard fencing and gates and similar treatments, which also complies with my original advice.

SCC - CHIEF EDUCATION OFFICER - No comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

SCC - NOW HISTORIC ENV SERVICE - An archaeological evaluation on the site has revealed a Bronze Age circular enclosure in the south-central area of the site, with internal postholes and three urned cremation burials. These type of enclosures are enigmatic as no definitive purpose has been proved although in this case the association with funerary practices may show the enclosure to be concerned with burial. The site is of local significance and is likely to be heavily impacted by this development.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of the following conditions attached to any permission granted.

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

and:

"No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

ECONOMIC DEVELOPMENT - No comments received

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

20 sqm of both equipped and non-equipped children's play space should provide per each 2 bed + dwelling. The application has 165 x 2 bed+ dwellings resulting in a requirement of 3300 sqm of equipped and non-equipped play space. As equipped play space at least 1 x LEAP at 400sqm should be provided.

Children aged under 8 years should not have to walk more than 400m to their nearest equipped play area. The LEAP should therefore be centrally located within the site and overlooked from the front of the dwellings. The location of LEAP in Evolution 1 would appear to cover this criteria. However provision of safe crossing should be made for the children who will be accessing the play area from the opposite side of the site.

The LEAP should contain at least 5 items of play equipment covering all the play disciplines, along with a seat, bin and sign. If fenced 1 x access gate and 2 x pedestrian outward opening gates should be provided.

All play equipment must have a manufacturer's guarantee of at least 15 years. Wooden equipment should be set in metal feet. A detailed plan for the LEAP should be submitted to TDBC Open Spaces for approval prior to implementation.

AMENDED PLANS

As the proposal does not appear to make any alteration to the provision of the LEAP, I have no further observations to my previous submission of 19 October 2017.

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

The applicant has indicated an intention to utilise 4 x attenuation ponds within the site curtilage with discharges to 2 x existing watercourses, controlled to greenfield rates, however, they have not provided detailed designs or supporting calculations for the proposed surface water drainage strategy. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

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

These details shall include: -

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

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

Further comments received following the receipt of amended plans -

We have previously commented on this application, providing comments and requesting a drainage condition to secure our interests. We now have the following additional comments with respect to the amended plans and submitted documents.

The runoff calculations submitted in the drainage statement (The Engineering Studio – dated June 2018) are the same as those submitted in the FRA (WSP August 2017) for the previous layout of the development. It is assumed that these calculations included the area of the site now allocated for the proposed care home? There is no detail about how the proposed care home site will connect to the more detailed drainage scheme for the wider development.

We do not concur with the assertion within the drainage statement that the site must discharge at the 1 in 100 year (+40% climate change) rate (10l/s) because of the risk of blockage. In accordance with local flood risk standing advice and best practice *“surface flows ... should be attenuated to the corresponding greenfield runoff rate for each storm event OR 10 litres per second per hectare whichever is*

the lowest". There are flow control devices which can easily achieve this safely.

The submitted plans do not show the volume of attenuation provided in each of the proposed ponds. The applicant will need to confirm that sufficient storage is being provided on site.

COMMENT ON AMENDED PLANS

The proposed amendments do not appear to impact significantly on the surface water drainage principles previously established, and therefore we have no additional comments to make.

SCC - RIGHTS OF WAY - No comments received

SCC - ECOLOGY - No comments received

PLANNING POLICY - Bishops Lydeard is identified as a Major Rural Centre in the adopted Taunton Deane Core Strategy. The application site area corresponds to allocation MAJ4 in the adopted TDBC Site Allocations and Development Management Plan (SADMP).

Policy SP1 of the Core Strategy identifies Bishops Lydeard as a Major Rural Centre, suitable for allocations of up to 200 new additional dwellings.

The SADMP allocated land at Taunton Road and Hithermead for a residential led, mixed use development of around 150 dwellings together with associated recreational space. It was envisaged that greater detail, including strategic landscaping and planting, number, size and mix of dwellings and the form of recreational space would be determined through the Bishops Lydeard & Cothelstone Neighbourhood Development Plan (BLC NDP).

The application proposes a higher number of dwellings (173) than set out in policy MAJ4, though the proportion of affordable housing (25%) and tenure split (60/40 Social Rent/Shared Equity) meets the Core Strategy CP4 requirements. It is proposed to include 4 bungalows (a BLC NDP aspiration) and a house which meets wheelchair adaptable standards at the northern end of the development, closer to the village's services and facilities. It has been stated that all dwellings will meet the minimum internal floor space requirements of SADMP Policy D10, and all dwellings provide a private garden for the exclusive use of the occupants, in line with Policy D12.

The proposals do not include employment, and whilst the applicant has provided comment on why B1, B2, B8 employment uses are not included, they appear not to have considered others (i.e. C2 (residential and nursing care), A1 (retail), A2 (professional services), D1 (healthcare, medical, crèche/nursery, etc., Sui Generis (live/work), etc.) which may be appropriate for this site.

The BLC NDP contains a Schematic Diagram to illustrate the desired layout of the allocated site. This was produced before it was known about the water main running through the middle of the site. In general the development has been

designed to take account of constraints such as flooding and high pressure water main. Creating a central continuous linear open space with children's play area which provides recreational open space as required by policy C2 SADMP.

The development provides 1 and 2 bed properties which could meet BLC NDP Policy H1 requirements for properties for downsizing to and also 3 bed family homes in accordance with Policy H2. Most requirements of the BLC NDP policy H3 appear to have been met with the exception of the community woodland on the southern boundary and a portion of self-build plots.

SADMP Policy A5 requires residential development to be within walking distance of, or should have access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. Bishops Lydeard has a range of essential services and facilities within the village (primary school, pharmacy, children's centre, village hall, library, nursery school,/crèche, convince store, etc.) the Secondary Schools are in Taunton (c.30min by bus) and Wiveliscombe. The bus stops are on Taunton Road and Hither Mead and No.28 Taunton to Minehead Bus is a reasonable service running about every 30 minutes to 1hr in frequency (depending on the time of day).

SADMP Policy A1 sets out maximum parking requirements for developments in. Across the development of 173 dwellings the car parking for 1-bed and 2-bed properties is in line with the standard, provision for 3-bed properties a maximum is 3 spaces about 1/3rd of the 3 beds have 3 spaces the remainder have 2 spaces per dwelling, and 4-bed+ is below the standard at an average of 3.3 parking spaces per property rather than the 3.5. This should be balanced against the accessibility of local services and facilities, including the availability of public transport, cycling and walking routes. However, it does not appear that the motorcycle parking and cycle parking has been achieved (a minimum of 1 motorcycle parking space per 5 dwellings or 1 motorcycle space per 20 car spaces, whichever is the greater, and 1 cycle parking space per bedroom).

TDBC seeks new developments to create high standards of design quality, SADMP Policy D7. In this regard it is encouraging to see the development attempt to reflect local materials and character where it comes up against existing development – for example the properties which face Taunton Road, which also create an active frontage. It has also sought to define areas within the development through materials and create a gateway feature on Taunton Road. The development has also retained a significant amount existing trees and hedgerows, using the existing topography and new planting to create interlinked open spaces with small variation in characteristics. This also appears to accord with BLC NDP policy H5. However the density of the site does not appear to be graduated from higher on the northern and eastern ends to lower at the western end of the development.

The development appears to have a co-ordinated approach to the design of development and its associated highways, Policy D9. Safe walking routes are provided, reflecting pedestrian desire lines. Open spaces have seating in, the play space is overlooked. The street layout provides some choice of routes, reflects street character types (place and movement functions of each street) within the constrained nature of the site. In line with BLC NDP Policy TR2 the development

connects into the existing footpath which runs parallel to the stream on the north eastern edge of the development.

HERITAGE - No comments to make.

Letter received from Somerset Wildlife Trust objecting due to the lack of ecological assessment and

Representations Received

37 letters of objection on grounds of:

- Amount of housing would strain existing services in the village
- Infrastructure issues - Will swamp health centre
- School is at capacity
- Development too large and should be phased
- Design and size of properties out of keeping
- Inadequate security and loss of privacy
- Impact on countryside
- Loss of view
- Does not link to Paddock development
- Affordable housing needs to be for villagers first
- Query whether there is a need for the level of larger properties proposed
- Housing estate with no provision of local work
- Proposal not in accordance with Neighbourhood Plan
- Impact on rural character of village
- Want countryside not concrete jungle
- Street lighting should preserve the dark skies
- Noise issues
- Access road not suitable
- Query accuracy of traffic survey
- Significant increase in cars will cause traffic problems
- Crossing will be dangerous with speed of traffic
- Lack of traffic calming at dangerous A358 junction
- Increase in traffic/congestion, will lead to more accidents particularly at dangerous A358 junction
- Query need to reduce speed limit on this stretch of the A358
- Concern over new access points on Taunton Road
- More buses required
- Access should be via Hither Mead
- Impact on Cross Keys roundabout
- Exacerbate parking congestion with lack of village centre parking
- No provision for a cycle route to Taunton
- Impact on wildlife
- Query whether level of landscaping/planting is sufficient
- Added pressure on Quantock Hills
- Believe there to be an archaeological site within proposed area
- Flooding regularly occurs on part of site
- Impact upon amenities of occupiers of existing neighbouring properties

Following receipt of amended plans, a further 15 letters were received, raising the

following new issues:

- Introduction of care home would increase range of residential options
- Care home would increase traffic further still
- 173 properties is disproportionate on the reduced size of land now proposed for housing
- New positioning of exit is more dangerous
- Care home unlikely to be built
- Loss of privacy, despite amendments reducing impact to some extent
- Development would take up all of allocation to 2032, limiting opportunities for other smaller sites to come forward
- Inadequate provision of a sustainable drainage system

Comments on plans following deferral

1 letter of no further comment

11 additional comments on revised housing mix raising issues of

- Issues not addressed
- No more bungalows and no wheelchair facilities in open market houses
- Still too many houses for which there is no need
- Can't understand need for a care home
- The mix is still not adequate with not enough 2 bed units and only 10 open market units out of 130.
- Taunton Road needs to be widened
- Concern over junction to Spinneyfield site
- Impact of plot 48
- Need for improved local amenities
- No extra parking facilities in the village and houses need adequate parking

Planning Policy Context

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

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

Relevant policies of the development plan are listed below and includes the Bishops Lydeard & Cothelstone Neighbourhood Plan which forms part of the Development Plan.

CP1 - Climate change,
 CP2 - Economy,
 CP4 - Housing,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 A1 - Parking requirements,
 A2 - Travel Planning,
 A5 - Accessibility of development,
 D7 - Design quality,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 D13 - Public Art,
 ENV1 - Protection of trees, woodland, orchards, and hedgerow,
 ENV2 - Tree planting within residential areas,
 ENV4 - Archaeology,
 I3 - Water management,
 MAJ4 - Land at Taunton Road, Bishops Lydeard,
 (BL) H1 - Housing for Older People,
 (BL) H2 - Housing for Families,
 (BL) H3 - Housing Setting and Open Space,
 (BL) H5 - Housing Design and Density,
 C2 - Provision of recreational open space,
 SP1 - Sustainable development locations,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable. Proposed dwellings floorspace totals approx. 20,806sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,500,000.00. With index linking this increases to approximately £3,250,000.00.

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	£186,679
Somerset County Council	£46,670

6 Year Payment

Taunton Deane Borough
Somerset County Council

£1,120,073
£280,018

Determining issues and considerations

The proposal has been revised to provide a mixed use scheme to comply with policy as the site is allocated in the Site Allocations and Development Management Plan (SADMP) and a revision to the housing mix and number of stone properties to take on board the view of the Parish Council and the Planning Committee. The main considerations are still whether the scheme complies with policy and whether there are any adverse impacts which would act against the principle of sustainable development set out in the NPPF and the Local Plan. The impact on access and parking, drainage, leisure provision, affordable housing, amenity and wildlife therefore need to be considered.

POLICY

The site is allocated in the SADMP under policy MAJ4: Land at Taunton Road, Bishops Lydeard and is for a residential led mixed use development of around 150 dwellings with associated recreational open space. The policy does not preclude the provision of more than 150 subject to the nature of the layout. The details in respect of the landscaping, number, size and mix of dwellings and form of the recreational open space is to be determined through the Neighbourhood Plan. The initial submission was purely for a scheme that was housing and was considered not to meet the requirements of policy MAJ:4. The revisions are considered to address the need for a mixed use scheme, with provision of a care home, as the policy does not specify the nature of the mixed use. The applicant has submitted a marketing report to justify the lack of B1 uses and has evidence to support the need for a care facility. However as the applicant does not provide such facilities it is considered unreasonable to control the timing of such provision. Such a use would also address policy H1: Housing for Older People in the Neighbourhood Plan. The revisions also address a number of points in the Neighbourhood Plan policy and those raised by the Parish Council. The policy in the Neighbourhood Plan H3 sets out the criteria that must be addressed in terms of any development and includes:

- Include adequate play areas for younger children
- Include adequate off street car parking to minimize on street parking on existing routes
- Provide minimal levels of street and path lighting
- Maintain views towards the village centre
- Establish a community woodland along the new V-shaped southern village boundary
- Conserve existing mature trees and old hedgerows and respect Tree Preservation Orders

- Link new foot and cycle paths to the existing network
- All road links to allocated sites will be from Taunton Road
- Complete a flood risk assessment (FRA) and retain areas liable to flooding as green open space or woodland
- Provide adequate green open spaces, including informal open space areas for dog walkers with dog bin provision. Consideration should also be given to the possible provision of a skate park and other facilities for young people
- Include a number of serviced self-build plots.

The site layout is partly determined by a water main which crosses the site and this prevents development within a 12m easement corridor. This limits the position of built form on the sites and has been utilised as allowing a green area of open space to serve the development. Play areas for children of different ages are designed into the scheme and parking is largely designed to be off street. Views towards the middle of the village are considered to be maintained and street lighting is one of the conditions being proposed. Trees and hedges are retained wherever possible and links to existing footpath cycleway networks are proposed. The site is allocated and is considered to have sustainable links to local facilities within walking distance or by bus or car. The development provides links off Taunton Road and a Flood Risk Assessment has been provided with the submission which comply with policy. The submission lacks provision of self-build plots and so the impact of this shortfall in terms of the policy has to be considered in light of the other benefits provided.

The Bishops Lydeard Parish Council response to the initial scheme has resulted in the applicant increasing the number of bungalows provided and addressing the impact on the adjoining site at Spinneyfield at the same time. Thus plot 48 is a bungalow and reduces any overlooking or significant impact on properties at Spinneyfield. A terrace along Taunton Road is introduced to reflect the character on the other side of the road and improvements to Taunton Road through traffic calming and speed reductions as well as an improved junction with the A358 through the legal agreement are also proposed. Finally the applicant has agreed to use natural stone on key plots, now 16 units as well as a 25m length of sandstone wall along the Taunton Road, rather than a reconstituted stone and the design of the dwellings is considered suitable given the character of the area and materials are to be conditioned. Despite the Parish Council's continuing concern, the details are considered to address the policy and can be conditioned including the road surfacing. Over 100 of the new dwellings are 3 bedrooms or less allowing for downsizing in line with the Neighbourhood Plan policy and the number of larger size family homes have now also been increased. The mix of dwellings now reflect the original submission which the Parish had no issue with.

ACCESS AND PARKING

The proposed accesses into the site are off Taunton Road as required by the Neighbourhood Plan and as part of the development the road will be realigned and traffic calming measures will be incorporated as well as a pedestrian crossing. An improvement to the A358 junction is also proposed and would be part of the off site

highway works. There is no direct impact on the Spinneyfield junction. The means of surfacing the traffic calming features within the highway is a detail that can be agreed with the Highway Authority and conditioned. The Highway Authority are satisfied with the capacity of the junctions and the safety of the accesses into the site. Adequate parking is proposed which would comply with policy A1 and would ensure suitable off road parking provision for the dwellings. A travel plan is proposed as part of the development and a legal agreement will be required to secure this as well as the off site highway works at the A358 junction. A significant number of conditions are suggested by the Highway Authority, however a number of these are repeated and others are beyond the remit of planning. Consequently the list of suitable and relevant conditions are included in the recommendation, including the timing of commencement and phasing of works.

DRAINAGE

A Food Risk Assessment has been submitted with the proposal as the site is over a hectare and part of the northern area lies within Flood Zone 2. None of the residential development lies within the flood risk zone and the Environment Agency and Lead Local Flood Authority have no objection in principle subject to conditioning of surface water drainage details. Four surface water attenuation ponds are provided, two either side of Taunton Road to address the surface water run-off issue and a condition to address the rate of discharge is considered necessary. In terms of drainage Wessex Water advise that foul and surface water treatment needs to be provided separately. Initial concern was raised over the capacity of the treatment works, however it has been confirmed that the capacity issue is not one that would impact on the building out of the submitted scheme and no objection has been raised.

LEISURE PROVISION

The proposal provides for adequate play and open space provision through the site and a condition is considered necessary to secure the provision of the play equipment on site. Maintenance of the public open space needs to be secured and a legal agreement will be required to ensure this is the case, whether by a Local Authority or a management company.

AFFORDABLE HOUSING

Policy CP4 of the Core Strategy requires 25% affordable housing as part of any residential development scheme. On this site this equates to 43.25 units and the developer has agreed to this level of provision and the required tenure split as requested by the Housing Enabling Officer. This will result in the provision of 8 x 1bed flats, 4 x 2bed bungalows that are wheelchair accessible, 19 x 2bed houses and 12 x 3bed houses. The proposal will require a Section 106 agreement to secure these units and this forms part of the recommendation.

OTHER MATTERS

An ecological assessment of the site was carried out and submitted with the application and the Biodiversity Officer is satisfied with the impacts and proposes a standard condition to ensure suitable enhancements. The County Archaeologist has assessed the evaluation carried out and recommends a condition to secure a programme of works on site prior to construction to adequately assess the historic value of the site and this is reflected in the proposed conditions attached.

CONCLUSION

In conclusion the development proposal is considered a mixed use scheme that is compliant with policy MAJ:4 of the SADMP. While the proposal is for 173 which is greater than specified in the policy it is not considered an over development of the site given the nature of the design and layout of the proposed development. The scheme is considered to address the relevant neighbourhood plan policy other than the provision of self-build plots. It is for Members to consider whether this shortfall is grounds to refuse the development in light of the other benefits. The development provides suitable access and parking, adequate play, open space provision and affordable housing and wildlife and heritage matters are suitably addressed. The design and materials of the dwellings are considered to be in keeping with the area (with now 16 stone dwellings, a stone entrance feature and 25m of stone wall along the main road) and subject to appropriate conditions the benefits of the scheme in terms of employment, affordable housing and local housing is considered to outweigh this one self-build element and the application is therefore recommended for approval, subject to a legal agreement.

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

Contact Officer: Mr G Clifford

38/18/0162

GALLIFORD TRY PARTNERSHIPS

Residential development of 182 no. dwellings on land to the North of Tangier and Castle Street, Taunton

Location: LAND NORTH OF TANGIER & CASTLE STREET (A3807) TA1 4AU

Grid Reference: 322298.124666

Full Planning Permission

Recommendation

**Recommended decision: Conditional Approval
Subject to a S106 agreement to secure the travel plan**

Recommended Conditions (if applicable)

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

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

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

- (A0) DrNo 877-01F Landscape Proposals
- (A4) DrNo 877-02 Landscape Context
- (A3) DrNo 877-03 Landscape Assessment Plan
- (A3) DrNo 1000-P01 Site Location Plan
- (A1) DrNo 1001-P01 Existing Site Plan
- (A1) DrNo 1002-P01 Existing Site Section
- (A1) DrNo 1003-P07 Proposed Site Plan
- (A1) DrNo 1004-P03 Proposed Site Section
- (A1) DrNo 1005-P10 Street Elevations
- (A1) DrNo 1006-P07 Ground Floor - Parking, Bikes and Bins
- (A1) DrNo 1007-P06 Castle Street Visual
- (A1) DrNo 1008-P06 Riverside Visual
- (A1) DrNo 1009-P06 Tangier Way Visual
- (A1) DrNo 1010-P02 Block A - House Types
- (A1) DrNo 1011-P02 Block A Corner - House Type
- (A1) DrNo 1012-P02 Block B - House Types
- (A1) DrNo 1013-P04 Block C1 - Floorplans
- (A1) DrNo 1014-P03 Block C1 - Elevations

(A1) DrNo 1015-P06 Block C1 - Elevations
(A1) DrNo 1016-P06 Block C2 Floorplans
(A1) DrNo 1017-P08 Block C2 Elevation
(A1) DrNo 1018-P10 Block C2 Elevation
(A1) DrNo 1019-P04 Block D - Floorplan
(A1) DrNo 1020-P03 Block D - Floorplan
(A1) DrNo 1021-P03 Block D - Floorplan
(A1) DrNo 1022-P04 Block D - Elevations
(A1) DrNo 1023-P06 Block D - Elevations
(A1) DrNo 1024-P03 Block D - Elevations
(A1) DrNo 1025-P07 Block E - Floorplan
(A1) DrNo 1026-P06 Block F - Floorplan
(A1) DrNo 1027-P05 Block F - Floor Plan
(A1) DrNo 1028-P07 Block E-F - Elevation
(A1) DrNo 1029-P07 Block E-F - Elevation
(A3) DrNo A1030-P01 Materials Sample Board
(A0) DrNo C06718/C/002 Rev C Levels Strategy
(A0) DrNo C06718/C/001 Rev E Drainage Strategy & Exceedance Routes

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

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

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

4. No works, other than site clearance and preparation works, shall be undertaken on site until a programme for the provision of (a) the amenity/play areas, (b) associated roads, (c) footpaths, (d) open spaces, (e) screen walls and fences, (f) parking spaces, (g) garages, (h) drainage, (i) street lighting, (j) bin storage, (k) cycle storage, (l) access's indicated on the approved plans has been first submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other than in accordance with this programme and agreed timings of works.

Reason: The Local Planning Authority wish to control and ensure the delivery of the matters referred to.

5. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby

permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the scheme outlined in a) below has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (b) has been complied with in relation to that contamination.

- a) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document "Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018"

must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

- b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

- c) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

d) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Pre-commencement reason; To ensure that land contamination can be dealt with adequately at the construction stages to prevent any harm to the health, safety or amenity of any users of the development.

7. (i) Prior to the wall construction of any buildings on the site, a landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted and a phasing programme for implementation.
- (ii) Each phase of the landscaping scheme shall be completed in accordance with the timetable set out in the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority.
- (iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or 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.

8. 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 EDP's submitted report, dated April 2018 and "It does lighting's" Planning application lighting assessment for Tangier dated April 2018 **and an up to date otter and badger 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 nesting birds
4. A CEMP and LEMP
5. Full Details of lighting

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

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

Pre-commencement reason; To ensure protection of wildlife and habitats though all stages of the development.

9. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason; To protect wildlife from invasive non-native species.

Reason for pre-commencement; To ensure the species are not spread during the construction phases.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment compared to the extant permission. Specifically, ground floor levels raised to 16.86mAOD, and finished floor levels no lower than 17.13mAOD. The mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule (2) Part (1) Class (A, B, C & E) and Schedule (2) Part (2) Class (A) of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

12. The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use.

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

13. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy D14

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 entered into pre-application discussions to enable the grant of planning permission.
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liason Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
4. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

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

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

Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. 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.

Proposal

Planning permission is sought for the erection of 182 no. dwellings comprising 18 houses and 164 flats.

The scheme will provide a mix of accommodation;

- 21 one-bedroom flats
- 139 two-bedroom flats
- 4 three-bedroom flats
- 6 three-bedroom houses
- 12 four-bedroom houses

The development will comprise five blocks plus the houses; Block C1 – 5 storeys, block C2 – 8 storeys, block D – 5 storeys, block E – 4/5 storeys, block F – 4 storeys.

The application is accompanied by a Design and Access statement, a Landscape Visual Impact Assessment, Transport Statement, Lighting Assessment, Heritage Statement, Flood Risk assessment, Drainage Strategy, Levels Strategy, Ecological Appraisal, Geo-environmental desk study, Noise Impact Assessment, Archaeological Assessment and a Viability Assessment.

There will be two vehicle accesses off Tangier into the site and within the site there will be shared services to cater for vehicular, cycle and pedestrian traffic. There will be undercroft parking within the blocks of flats and houses will have integral garages. Amended plans show a total of 173 no. car parking spaces and 270 no. cycle store spaces.

There will be public access through the site and along the riverfront. The proposals include a landscaping scheme which also shows the provision of under 8's play equipment.

Revised plans have been received which reduce block C2 from 8 storeys to 7 stories. This results in the development providing a total of 178 units.

Site Description

The application site constitutes 1.23 hectares and is located on the former gas works site off Castle Street in the Tangier area of Taunton. The site lies on the southern banks of the River Tone, which runs west - east through the town centre. It is opposite Clarence Street and Goodland Gardens.

The site is enclosed by Castle Street to the south, Tangier Way to the east. Residential properties are sited on the opposite side off the river and comprise two storey terrace housing. Employment uses largely surround the site to the south of the river with large retail food stores Tesco & Lidl nearby.

There is no existing public access to the site and no access through the site along the riverside. There is no pedestrian link upstream from the Third Way Bridge to the southern bank of the river.

Relevant Planning History

It is important to note the planning history of the site. Part of the site was granted outline planning consent in 2002 for 144 units. Subsequently reserved matters was granted for 181 residential units in 2007. At the same time full planning permission was granted on the eastern part of the site for 44 elderly units.

In 2010 consent was given to two applications (38/10/0108 & 38/10/0107), replacing the extant permissions (38/07/0184 & 38/07/0183), for residential development of 225 units (including 44 elderly units). A S106 was signed which tied the developer to;

- Provision of 25% affordable housing (20% shared ownership, 80% social rented housing)
- Crossing contribution of £180,000 towards provision of footbridge or provision of footbridge.
- Education contributions.
- Highways contributions.

38/08/0372 CONSTRUCTION OF A BRIDGE IN CONNECTION WITH THE

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal is for the residential development at the above address and whilst there is no objection to the principle of the development, there are concerns identified below, which require clarification before the Highway Authority can be content that the proposal is acceptable. The proposal site is located in Taunton Town centre and is served off the existing unclassified highway (called) Tangier. Castle Street and Tangier Way border the site to the south and east respectively. It is to our understanding that the site previously benefited from planning consent for 181 dwellings (application: 38/10/0107/REX), and for 44 dwellings (application:38/10/0108/REX), a total of 225 dwellings.

Traffic impact

A Transport Statement (TS) was prepared by TPA in support of the application which has been assessed and which raises several concerns which can be found below.

The forecast trip distribution is as per the extant application [38/10/0107/REX]. This distribution is based on the 2001 census data for the 2010 application. The local highway network and how it is used, has changed since the 2010 application and therefore the data would normally be considered outdated. The applicant should have provided a sensitivity test to demonstrate that this data was fit for purpose for inclusion within the current TS. It is unlikely however that in this instance, the outcome will be significantly different.

TRICs database has been used to derive trip rates for the 18 private ownership houses. The TRICs site selection and resultant trip rates are considered representative of the proposed development. The trip rates for the 164 private flats were however, derived from the Transport Statement dated September 2004 in application reference 38/02/0114.

This would not normally be considered acceptable, however a review of the trip generation shows it is likely to be 72 & 61 two-way trips in the AM & PM peaks respectively. This equates to approximately 1 additional trip per minute and is unlikely to significantly impact the operation of the Castle Street / Tangier SignalisedJunction.

Parking

The proposed development consists of 182 residential units and the TS specifies the provision of 155 car parking spaces. This equates to 0.85 spaces per residential unit. When considering the 'Proposed Site Plan' and the 'Ground Floor - Parking, Bikes and Bins' plan, it is apparent that there is an inconsistency between these drawings and the TS, which MUST be addressed for a full understanding of the

parking proposal to be considered.

The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) should be 216 spaces for the proposed dwellings, plus an additional 37 visitor spaces (253 total). The proposed 155 spaces (TS) are therefore significantly less than the adopted standards recommend.

The shortfall in parking spaces including no designated visitor parking is likely to increase indiscriminate parking on the internal site roads and private spaces for existing land uses on Tangier. This may cause disruption within the development and issues for neighbour relations.

The plans that have been provided appear to show 150 spaces for the flats & 23 for the houses, however not all of the indicated house spaces will be accessible/useable.

The Planning Authority may wish to seek clarification of this issue, in order to assess the impacts of parking, the Highway Authority are not in a position to comment at this time, other than to confirm the shortfall.

Secure cycle parking will be required, at a rate of one space per bedroom, and this is acknowledged within the submitted document, however the provision indicated does not appear to be secure and may not therefore be utilised.

It should also be noted that the TS does not include reference to the requirement in the Somerset Parking Strategy to provide motorcycle parking or suitable facilities for electric vehicle charging, which should also be addressed by the applicant.

Access

The proposal put forward is for two simple priority junction arrangements onto Tangier. Visibility splays from these points of access should be in accordance with Manual for Streets and 2.4m x 43m with no obstruction greater than 300mm above adjoining road level, unless speed readings are taken to demonstrate that an alternative distance is appropriate.

There are concerns that the proximity of the southern access (serving the apartments) to the existing signalised junction has not been fully assessed. It is possible that queuing traffic waiting to leave Tangier, may block the ability of vehicles to turn into or out of the development.

Whilst swept path analysis has been provided for the access serving the flats, none has been provided for the residential area. This is required to ensure that refuse, delivery and other vehicles can safely and adequately access the dwellings. The swept path drawings for the turning area seem to show that there is an impact on a boundary (over-run) and that this movement has an impact on a tree. It is essential that there is clarification that this can be easily achieved, or the Highway Authority may decline to adopt this road.

No dimensions have been specified for the entry and exit radii at the junction of the two new accesses. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 6m in an urban area subject to a swept path analysis. It is recommended that a

minimum carriageway width of 5m is provided.

No specific details have been provided at this time for any footway/cycleway infrastructure either within the development or connecting to the wider highway. It seems from the plans that the road may be intended for use as a shared surface (not sufficient footway provision), however with the road markings shown this is a conflict which must be resolved to ensure highway safety is maintained.

The applicant will need to provide further detail on how the development will connect

to the existing pedestrian and cycle infrastructure to ensure accessibility.

No details of the proposed carriageway have been provided to demonstrate that suitable gradients, surface water, drains/gullies, etc can be achieved. Additional drawings would be required for this purpose, especially if there is a desire for this to

become adopted public highway.

Drainage

Whilst the FRA advises that two overland flow routes will be provided through the site, at both vehicular access points, to convey surface water from Tangier to the River Tone, the proposal to raise the levels within the site will naturally reduce the effectiveness of these routes thereby increasing the flood depth on Tangier. The public highway formed by Tangier drains to a low point of 16.00 AOD approximately 55 metres west from its junction onto Castle Street, which is between 700-800mm lower than the maximum height on the exceedance flow route.

The very slack longitudinal falls along Tangier, together with the provision of channel blocks, are not conducive to facilitating new vehicular access junctions that drain effectively without reshaping. These junctions should be designed to initially fall away from the public highway with low points to each radii. Gullies should be provided on Tangier immediately upstream of the junction and the channel blocks removed across the junction frontage, thereby also removing a potential safety issue and a point of construction weakness.

The drainage strategy indicates areas within the frontage of the proposed development that would discharge surface water into the existing highway drainage system serving Tangier. This would only be acceptable if those additional areas are adoptable as public highway and that the existing highway drainage system is both hydraulically and structurally capable of accommodating this additional flow.

It will be for the Local Planning Authority to consider the potential increase in flood risk downstream resulting from this proposal.

Internal Layout

The following is with reference to the submitted drawing number 2091/1003/P4 Proposed Site Plan.

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

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

The development served by the southern junction, should include a minimum adoptable 5.0m wide bitumen macadam carriageway together with 2 no. 2.0m wide footways. If the developer intends for any other provision throughout the development, this must be discussed with the Highway Authority and may result in the layout being unfit for adoption as public highway.

It is necessary for appropriate forward visibility and visibility splays across the inside of all bends and at junctions. There shall be no obstruction to visibility within the splay that exceeds a height greater than 300mm above the adjoin carriageway level.

All splays will need to be the subject of technical approval, but impact on the layout of the development (specifically Block C2).

The proposed pedestrian link referred to, due to its width could well be used by a combination of pedestrians and cyclists and as a result, adoptable visibility splays based on dimensions of 2.0m x 20.0m in both directions, as measured from the back edge of the highway boundary, should be provided. There shall be no obstruction to visibility within the area of the splays that exceeds a height greater than 300mm above the adjoining carriageway level.

There is a proposed footway along the southern side of the internal carriageway serving plots fronting onto Castle Street that terminates prior to the Block that fronts onto Tangier Way. How will pedestrians be catered for, from this point to safely reach the remainder of the development (Block F)?

Parking bays that immediately but up against any form of structure (walls, footpaths or planted areas), shall be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. Standard parking bays should be constructed to a minimum length of 5.0m.

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

With regard to the proposed highway lighting, early discussions will need to take place between the developer, SCC Highway Lighting Team and the SCC Ecology Officer in terms of lighting the site due to existing wildlife and the need for the River Tone not to be illuminated.

No doors, gates, low level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

Any planting within the proposed adoptable highway will need to be supported by a commuted sum, payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for all trees that are to be planted either within or immediately adjacent to the highway to prevent structural damage to the highway.

A comprehensive planting schedule will need to be submitted to SCC for approval purposes.

The applicant will need confirm whether or not the proposed pedestrian links that run along the northern site boundary will be offered to SCC for adoption. If it is the intention for SCC to adopt these links then it would be preferred if they were constructed to a minimum width of 3.0m to accommodate the use by pedestrians as well as cyclists. Dialogue is recommended in relation to this matter, alongside the conversation about the internal estate road and linkages.

Regarding the proposed southern access, it is to our understanding it is to remain within private ownership. To satisfy APC legislation it must be built to an adoptable standard in terms of materials used and compaction of the materials. Surface water will not be permitted to discharge from this area out onto the public highway and SCC will require full contact details of the Management Company who will be responsible for the future maintenance of it.

For clarity any retaining/sustaining structures that form part of this site and is privately owned retaining structure that is constructed within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will require the submission of detailed drawings/calculations to enable SCC to be assured of their safety and durability. Any structure to be maintained by SCC will require the submission of an Approval in Principle (AIP) for approval. The AIP submitted shall be signed by a Chartered Engineer Civil or Structural) and shall be submitted before the commencement of the detailed design. Any structure to be adopted by SCC will require from the developer, payment of a commuted sum.

Travel Plan

A Residential Travel Plan was submitted as part of the application, and this has been reviewed and there are a number of issues identified, that will require

addressing to achieve an acceptable Travel Plan (TP). Feedback on this issue will be sent to the Highway consultant, however failure to address these issues may result in a recommendation of refusal.

The key points that require addressing are:

- A Travel Plan fee must be included, in accordance with the adopted SCC Policy.
- A list of measures must be included within the Travel Plan. Whilst some measures have been included, the following also need to be added and discussed: Electric Vehicle Charging points; ATC's; Travel Plan Management Fund (for promotional events); Green Travel Vouchers; Website; Car Parking; Cycle Parking; Motorcycle Parking; Visitor Parking.
- The Travel Plan Coordinator (TPC) or manager function has been identified but only the basic responsibilities identified and committed to. This must be enhanced and included within the TP.
- The TPC function must be in place from 3 months prior to first occupation for a monitoring period of 5 years after 80% occupation.
- The hours and budget of the TPC must be a commitment within the TP, as this will be secured via s106.
- Targets will be agreed and secured as part of the TP and secured by s106.
- A safeguard sum must be secured within the TP, in the event that targets are not achieved.

It is therefore anticipated that an amended TP will be provided to address these issues.

Conclusions

With the above in mind the Highway Authority are not in a position to make a final recommendation until further information has been provided regarding the concerns raised above. The Highway Authority therefore requests that the applicant be asked to:

- Update the submitted Travel Plan as advised above. (secure via s106).
- Clarify parking space numbers and policy compliance.
- Clarify intentions for the internal road with regard to footway provision, visibility splays, etc.

Subsequent comments – In our previous response dated 4 July 2018 the Highway Authority raised several concerns and asked the applicant to address the following.

- Update the submitted Travel Plan as advised above (secure via s106).
- Clarify parking space numbers and policy compliance.
- Clarify intentions for the internal road with regard to footway provision, visibility splays, etc.

The applicant has since provided additional information which has been assessed and Highway Authority comments can be found as below.

Access & Internal Layout

The following is with reference to submitted drawing numbers 1402-92/Fig 3.1 and 1402-92/Fig3.2.

A number of pedestrian links are indicated within drawing number 1402-92/Fig3.1. The applicant will need to confirm what form these links will take, will they be footpaths only or footpaths/cyclepaths, and who will be responsible for their future maintenance.

The proposed 25m forward visibility splay as indicated within drawing number 1402-92/Fig3.1 should ideally be contained within a widened section of footway. The entrances to private parking courtyards should be a minimum of 4.5m in width.

Any proposed works along the site frontage will not be permitted to encroach upon the existing publicly maintained highway and they must not result in the narrowing of the existing footway. In this instance, any proposed works within the existing highway boundary will be subject to a formal legal Agreement.

2.0m wide hardened margins will be required at the ends of the turning head at the eastern end of the development site. This is required for adoption to be achieved, but may have an impact on the parking spaces and layout.

There still appears to be an impact on the swept path at the eastern side of the site close to the turning head, (boundary and tree as highlighted in our previous comments). The applicant is reminded that unless clarity on this is shown, the Highway Authority may decline to adopt the road. A swept path analysis of an 11.4m refuse vehicle should be used on a 1:200 scaled drawing.

Parking

The proposed development will be accommodated by the provision of 183 parking spaces as demonstrated on drawing plan titled 'Ground Floor - Parking, Bikes and Bins' and in the Transport Statement Addendum. However, no visitor parking has been provided.

To reiterate from our previous comments dated 4 July 2018 the Somerset Parking Strategy (SPS) optimal parking provision for this site should be 216 spaces for the proposed dwellings, plus an additional 37 visitor spaces (253 total). The Local Planning Authority (LPA) should be reminded that the shortfall in spaces from the SPS optimum standard and no designated visitor parking is likely to increase informal parking on the internal site roads and private spaces for existing land uses on Tangier.

The applicant states in the Transport Statement Addendum that cycle parking can be accommodated in Blocks A and B via the proposed garages. The LPA should be mindful of ensuring that the garages are designed to accommodate bicycles and vehicles in this instance.

Travel Plan

A revised Travel Plan has been submitted by the applicant. Following a further assessment, the applicant has appeared to of largely addressed a number of issues raised in our previous comments dated 4 July 2018, however the following still remains outstanding and must be addressed.

- The TP should state that a S106 agreement will be used to secure the TP. The S106 agreement should contain a Travel Plan schedule and the agreed TP should

be appended to the agreement.

- Motorcycle spaces have not been allocated, this needs to be in line with the Somerset Parking Strategy (SPS).

The applicant should also note:

- Ground anchors for motorcycle parking, green travel vouchers and welcome packs should be in accordance with SCC Travel Plan Guidance.
- The Monitoring Strategy should ensure that all targets for years 1 – 5 should be provided as surveys will be conducted annually for 5 years. Therefore, please include figures for years 2 and 4.
- The TP does not state that an updated TP must be will be prepared and approved at the end of any monitoring period, agreed as part of the planning permission for the development. This must be explicitly stated in the TP.

The LPA should also be mindful of previous comments raised by the Highway Authority regarding this application.

Conclusions

In the event of planning being approved a suitable Travel Plan will need to be agreed in writing and secured via a S106. If the LPA are minded to approve the application, the Highway Authority would recommend the following conditions are attached:

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
- There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be 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.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is

occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- The existing access shall be closed to all traffic and its use permanently abandoned prior to the new accesses hereby permitted being first brought into use.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Note

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

Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining walls must be submitted to the District Council and subsequent approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980.

(For information, this relates to retaining walls, which are wholly, or partly within 4 yards (3.7m) of a street and which is at any point of a greater height than 4'6" (1.37m) above the level of the ground at the boundary of the street nearest that point.) drainage

Further comments - I refer to the amended plans received by the Highway Authority

on 7 November 2018 with regard to the above application. It would appear that the amended plans do not require any comment from the Highway Authority. Should you feel the need to discuss further please do not hesitate to contact me.

SCC - RIGHTS OF WAY - No comments received

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

SCC - CHIEF EDUCATION OFFICER - Although the proposed development is primarily apartments, it is likely that it will yield some children of all ages, particularly given the mix of dwelling sizes. Therefore we should assume that the proposed development would add pressure to existing primary and secondary provision in central Taunton.

The catchment primary school (Parkfield) and nearest primary school (North Town) are both full, as is the catchment secondary school (Castle) and the LA would like it noted that it may be necessary to apply for CIL funding to mitigate the pressure on school places from the proposed development should it be approved.

We are currently waiting for the revised pupil yield formulas, and following this we would be more able to estimate the number of pupils this development could generate for the school places.

SCC - ECOLOGY - An updated ecological appraisal was carried out by EDP in 2017. This reported that the site consisted of areas of hard standing and gravel, as well as earth/spoil mounds that are scattered across the Application Site, have been colonised by ephemeral vegetation, forming an early transitional grassland. There is also scattered scrub and trees on-site include numerous poplar saplings, alder and false acacia. On the northwestern part of the Application Site in particular has been colonised by areas of scattered and dense scrub. Along the boundary fence, forming a solid barrier to the river corridor, are blocks of dense bramble scrub, which back on to dense shrub and ruderal growth on the river bank. The southern bank of the river, directly adjacent to the Application Site, is densely populated with willow, sycamore, buddleia and other flora.

There are large stands of invasive Himalayan balsam, Japanese knotweed, and giant hogweed was reported in 2010. A small amount of Himalayan balsam has also colonised the Application Site itself, along its northern edge, I would recommend that the removal of invasive alien species, such as Himalayan balsam, be conditioned. The removal of such species will need to be carried out prior to any groundworks or other vegetative clearance on the site following Environment Agency guidance.

For example as per BS42020 on Biodiversity and Planning:

- Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

A standard condition for breeding birds should be applied, such as:

- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August 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.

Alternatively this could be included within a condition for a Construction Environmental Management Plan (not a Landscape Management Plan as stated in the EDP report which is for post development management of landscape elements), such as:

- No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The development of habitats on the Application Site including bramble and buddleia scrub that produces prey species on the site as well as those Bat surveys were carried out in September 2017. These recorded the site being used by common and soprano pipistrelle, and noctule bats, and a single *Myotis* (probably Daubenton's) over the River Tone. Currently there is no lighting on the River from the site and incidental light is blocked by a fence and vegetation. It is likely that there is some light from the Third Way Bridge and the lighting along the footpath on the opposite side of the river.

However, the crucial element of the proposed development, with regard to biodiversity, particularly bats, is the lighting on the path which runs along the bank of the River Tone. The River is a Local Wildlife Site and a major wildlife corridor which runs through the urban area of Taunton, for species of European importance such as otters and Atlantic salmon. It is important that current light levels are not increased as a result of the proposed development.

It is proposed to re-profile the river bank and introduced a lit footpath along the length of the Application site. In addition the Ecology Appraisal recommends that a

'New tree planting along river edge will provide some barrier from light spill onto the river'. However, the Landscape Plan seems to ignore this recommendation and there are no trees between the footpath lighting and the watercourse. Only a generic wildflower meadow mix is proposed on the banks but no marginal bankside species is included.

Otherwise planting behind the footpath is only ground cover and tree planting is 'sparse.' The Ecology Appraisal recommends that 'Long term management of the adjacent river bank vegetation should encourage a suitable level of cover for the species and should be detailed as part of the LEMP'. The LEMP could be conditioned as follows:

· A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Furthermore, the eastern end of the river frontage is to be a retaining wall leading up the Third Way Bridge. This is likely to be an issue for the movement of otters during flood conditions where they will run along the banks rather than swim and will cross roads where they intersect the river rendering vulnerable to vehicle collision (there have been at least two cases of deaths within the urban area of Taunton). One otter is more than 1% of the Somerset population as whole and a greater percentage for the Tone catchment. The previous application include otter ledges and baskets with emergent and marginal vegetation to retain a 'soft edge' favourable to wildlife (see attached). This will be required to help ensure maintain the 'Favourable Conservation Status' of the local otter population and the mitigation will need to be conditioned. In addition an artificial otter holt was constructed on site for the previous application to replace one that would be lost due to the development proposals at that time.

The Ecological Appraisal recommends that 'Surveys should be undertaken prior to construction, which will determine whether the holt or nearby pull-ups are in current

usage. This should involve the monitoring of the holt using sticks or remote cameras over five consecutive days'. Again I would advise that this is conditioned, for example:

- An 'Otter Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of vegetative clearance or ground works on the development site. The approved strategy will be strictly adhered to and any resultant structures maintained for the duration of the development thereafter. Importantly the current planting scheme does not support the provision of an artificial holt, possibly exacerbated by the re-profiling of the bank to replace the one lost to the development.

With regard to bats, a Lighting Plan accompanies the submission which gives four options to minimise lighting on the bank of the river from these lamps. The Lux contour drawing is included within the Lighting Plan which demonstrates that for the most part a level of 0.5 Lux can be obtained on the water's edge. As discussed above the current landscape planting scheme proposed grassland and low vegetation along the river bank is unsuitable for bats generally. There may also be an element of glare from windows of the proposed buildings, including reflections on the water surface from them and the street lamps. The Lighting Plan will need to be conditioned, I would suggest the following:

- Lighting shall be installed in accordance with the details of Scenario x contained in the Planning Application Lighting Assessment (It Does Lighting Ltd, dated the 28 April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

The Scenario 3 or 4 appear to be the best options of least impact to wildlife. I have consulted the County Council's lighting engineer and they state that, if the footpath is to be adopted, 'The Highway lighting will be designed in accordance with our zoning records'. Dimming of lighting systems is not within SCC policy and movement sensors are not permitted for Highway Lighting.

In summary I have concerns about the proposed development as submitted:

a) Given the open nature of the bank of the River Tone as proposed, it's planting and the glare from windows / reflections on the water surface; I am not convinced that there would be no effect on commuting and/or foraging bats using the river, particularly a light sensitive species, such as Daubenton's bat. Wildlife should take precedence, considering the proximity of the importance of the River Tone wildlife corridor and its function in supporting European protected species, which the local plan authority has a legal duty to ensure the 'strict protection' of under the Habitats Regulations / Directive.

b) I am also not convinced that the current planting scheme will result in no net loss of biodiversity, which currently consists of insect rich species such as bramble and buddleia across the whole site and may include nesting opportunities for solitary bees. Habitat creation of benefit to wildlife is limited an open narrow strip along the banks of the River Tone and is under the influence of street lighting.

Subsequent comments - Further to my email comments and suggested conditions in an email dated 17 May 2018 and following a meeting with the applicant's agents and consultant ecologists EDP I am satisfied my concerns raised at the end of that email have been answered, although the matter of lighting the riverside footpath has yet to be finalised.

I can confirm that my recommendations for conditions in that email dated 17 May 2018 stand with the exception that I would replace the condition with regard to otters in the email with either a specific condition or alternatively details included within the text of a CEMP which would then need to be conditioned as set out previously for nesting birds, for example. A specific condition could state:

Prior to any work commencing on site a check for the presence of otters will be made by a suitable qualified ecologist and the findings reported in writing to the Local Planning authority either confirming absence or by providing a method statement to enable development. Should a Natural England licence be required pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead a copy should be submitted to the local planning authority

Reason: A pre-commencement condition in the interest of the strict protection of European protected species.

In addition, with regard to the lighting effects of lighting on bats and other wildlife I previously suggested and given the uncertainty in 2.7 of the submitted EDP Ecological Statement August 2018 I would amend as follows:

· Prior to construction works, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of lighting contour plans and’ technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Local Plan policy.

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

The above proposal falls within Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year).

This proposal would result in increased flood risk to third parties by impeding overland flood routes. This would be unacceptable to the Environment Agency and we will object until a proposal is put forward for redeveloping this, which does not have a detrimental impact on others.

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 top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If the above flood risk objection can be overcome the Agency would wish to be re-consulted to make further comments on matters such as contaminated land and environment management. A copy of the subsequent decision notice would be appreciated.

Subsequent comments - The Environment Agency must maintain its OBJECTION to this proposal, at present, on the following grounds:

All previous modelling exercises showed that raising the Tangier site increased flood risk to third parties as it blocks the overland flood route of the Galmington stream, preventing discharge into the River Tone. This latest report shows there is no impact to third parties when the Tangier site is raised. Two model runs are being compared as part of this addendum. One model run has the Tangier site raised as per the extent permission. The other model run has the Tangier site raised as per the new proposal including mitigation. For both model runs, the Cattle Market / Firepool site does not seem to have been raised. The report compares both model runs and concludes on the flood risk impact of the two Tangier development proposal. This is not what we asked the applicant to look at. The applicant has already demonstrated that the proposal provides a flood risk betterment compared to the extent permission. The extent permission was never tested for overland flood routes as our understanding of the flooding mechanism in Taunton was not as good then as it is now. We are looking at this site as a fresh application with our updated knowledge and under the National Planning Policy Framework.

At the meeting of the 17 July 2018 held with the Local Planning Authority, we agreed that the applicant would test additional model runs to help understand the flooding issues of raising the Tangier site or not. The applicant mentioned that Cattle Market/ Firepool site would increase flood risk to third party around the Tangier area if the Tangier site remained undeveloped. We asked the applicant to substantiate their statement by running additional model runs as follows:

- Run the model with both the Tangier site and the Cattle Market / Firepool site as they are at the moment.
- With the Cattle Market / Firepool raised but not Tangier.
- With the Cattle Market / Firepool raised and Tangier site raised as per the extent permission.
- With the Cattle market / Firepool raised and Tangier site raised as per the new proposal including on site mitigation.

The aim of these additional model runs was to demonstrate that once the Cattle Market / Firepool is raised, raising the Tangier site as per the new proposal including mitigation does not increase flood risk to third parties as much as any of the other model runs above.

For the Cattle Market / Firepool application, we agreed that the applicant could use 15% for climate change impact as the changes to 40% climate change took place

towards the end of determination period. This approach was consistent with other applications we dealt with at that time.

In the case of the Tangier application, the revised scheme was put forward after the changes to the climate change factor. The revised application for Tangier will therefore be subject to the 40% Climate change factor. We look forward to receiving the additional information to address the above concerns in due course. A copy of the subsequent decision notice would be appreciated.

Further comments – The Environment Agency has recently had meetings with the applicants and Local Planning Authority (LPA) on the 24 Oct 2018, and the previously on the 17 July 2018.

We now have a better understanding of flood risk issues to this site. Whilst we would prefer the new proposal to be flood neutral to third parties, we realise that the new proposal offers a flood risk betterment compared with the extant planning permission.

We have now received a copy of the model which shows that the current proposal will have no impact on third parties for a 1 in 20 year event taking place within the next 20 years. However, although the current development proposal for the site will increase flood risk to third parties land for a 1 in 100 year event plus climate change, the model has demonstrated that the third parties impact of the current proposal won't have as extensive an impact as the live extent permission. Therefore, on the undertaking that the council will be delivering a strategic scheme to improve flood risk throughout Taunton within the next 20 years, thereby removing the impact of the site to third parties beyond 20 years, we can now WITHDRAW our earlier objection, subject to the inclusion of the following condition within the Decision Notice:

CONDITION: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment compared to the extant permission. Specifically, ground floor levels raised to 16.86mAOD, and finished floor levels no lower than 17.13mAOD. The mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON: To reduce the risk of flooding.

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

This development may 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 top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

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

gov.uk/guidance/flood-risk-activities-environmental-permits.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority. 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:

A copy of the subsequent decision notice would be appreciated.

WESSEX WATER -

Sewerage Infrastructure

The site will be served by separate systems of drainage constructed to current adoptable standards.

Foul Drainage - The Drainage Strategy Statement (Hydrock April 2018) proposes a foul connection to the public foul sewer in Castle Street which has been agreed in principle by Wessex Water. The point of connection on the network is by application and agreement with Wessex Water. Sewers can be offered for adoption under a S104 application subject to technical review and satisfactory engineering proposals. The developer should continue to liaise with our local development engineer development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. Please see guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections' for further guidance Surface water Drainage.

The drainage strategy indicates on site surface water attenuation with discharge to the River Tone via three separate headwalls with flap valves. Discharge rates and flood risk measures will be subject to approval by the Lead Local Flood Authority, Environment Agency and appropriate river authorities. Elements of the surface water can be adopted by Wessex Water. Surface water proposals to be agreed at detailed design stage with Wessex Water local development engineers in consultation with LLFA. Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure

A water supply can be made available from the water network in Castle Street with new water mains installed under a requisition arrangement. The point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections. Buildings above two storeys will require pumped storage

NATURAL ENGLAND - Natural England has no objection to the proposals and supports the advice that the County Ecologist has provided.

Subsequent comments - The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

SCC - FLOOD RISK MANAGER - The LLFA **object** to the proposed development on the grounds that overland flow routes will be impeded. The scheme should be designed so as not to increase flood risk to others. It is clear that the proposed raising of grounds levels for the development would shut off the overland flow routes across the site, and would result in an increased risk of flooding elsewhere, particularly to the area to the south of the site. Whilst the developer has proposed to provide overland flow routes through the site, these are insufficient to address the issue.

The surface water drainage system calculations show the site to flood during the 1 in 100 year flood event with 40% climate change. Whilst the amount of flooding caused by the exceedance of the drainage system in this event is relatively small, it is not clear how these flows will be managed and or how they track safely through the site. The FRA states that the flows will “generally bypass dwellings” and flow along paths and drives but the route isn’t shown on the drainage strategy plan (CO6718/C/001). The plans simply show a depressed area where exceedance flows will be stored. However, it is not clear how exceedance flows reach that area, or what happens to this stored water ultimately.

The annotation on the same plan (Blue Arrows) shows proposed overland flow routes, being provided through the site from Tangier to the River Tone marked up as “exceedance routes”. However, these are not the exceedance routes associated with the surface water drainage system for the development. Some clarity in this respect would be helpful.

In accordance with sites within the River Tone and Parrett catchments, which have known problems with flooding, runoff from the site for the 1:100 year event should be discharged at either 2 l/s/ha or the average annual peak flow rate (i.e. the mean annual flood QBAR), whichever is the greater. We recognise that the developer has done the drainage calculations based on submerged outfalls, in the event of flooding in the River Tone, and we are supportive of that approach.

The proposals do not constitute a particularly sustainable drainage scheme as they comprise a traditional piped network and underground attenuation tanks. We recognise the site is constrained and infiltration poor, but all opportunities for the storage, management and treatment of surface water should be fully explored.

Subsequent comments - The additional information submitted (FRA technical addendum and plans) do not address the specific drainage issues outlined in our previous response dated 2nd July 2018. Therefore, our comments still apply and we look forward to receiving information in due course.

BIODIVERSITY - The application site has a long planning history and benefits from planning consent for new apartments granted in 2007. The consent was partially implemented including demolition of the gas works and clearance of the site. EDP carried out an ecological appraisal of the site dated April 2018 following earlier baseline surveys.

Findings were as follows:

Habitat - The development is situated directly adjacent to the River Tone, a Local wildlife site. Since clearance the site has colonised with grassland, ephemeral vegetation and scrub. I am not convinced that the current planting scheme will provide some barrier from light spill onto the river and result in no net loss of biodiversity. Habitat creation of benefit to wildlife is limited to an open narrow strip along the southern bank of the River Tone and is under the influence of lighting.

Bats - The bat activity survey undertaken in 2007 found high levels of bat activity, along the River Tone. The site itself offers sub-optimal foraging habitat for bats. There are no trees or structures on site that offer bat roosting opportunities. After consultation with myself and Larry Burrows further survey was carried out in 2017. A total of three species of bat (common pipistrelle, soprano pipistrelle and an unknown myotis bat- likely to be Daubentons) were identified foraging/commuting on the site, mostly adjacent to the river.

I agree with Larry that currently there is little lighting on the River from the site and incidental light from the south is blocked by a fence and vegetation. Therefore the key element of the proposed development, with regard to biodiversity, particularly bats and otters, is the lighting both on the path which runs along the southern bank of the River Tone and also from the new buildings themselves.

A detailed Lighting assessment has been submitted in support of this application. The document suggests four options to minimise lighting on the bank of the river. Option four is the most favourable scenario. The Lux contour drawings demonstrates that for the most part a level of 0.5 Lux can be obtained on the water's edge, which is good. However Larry has consulted the County Council's lighting engineer and they state that, if the footpath is to be adopted, 'The Highway lighting will be designed in accordance with our zoning records'. Dimming of lighting systems is not within SCC policy and movement sensors are not permitted for Highway Lighting.

Given the open nature of the bank of the River Tone as proposed with its sparse planting and possible glare from windows / balconies, I too am not convinced that there would be no effect on commuting and/or foraging bats using the river, particularly a light sensitive species, such as Daubenton's bat. It is very important that current light levels are not increased as a result of the proposed development. I suggest that additional planting is proposed, and a detailed lighting scheme including any lighting on balconies is conditioned to avoid light spill on the river.

Birds - Birds are likely to be using vegetation on site so removal of vegetation should take place outside of the bird nesting season. I support the erection of bird boxes on site.

Reptiles - A reptile survey undertaken in September 2017 but no reptiles were found.

Otter - The River Tone is known to be used by otters. There is past evidence that otters were using a clay pipe in the river bank adjacent to the site. As part of the partial implementation of planning consent granted in 2007/8 an artificial otter Holt was installed into the river bank towards the western end of the site near the existing pipe bridge.

I support further survey for otters. If the Holt is found to be in use then it will need to be blocked under licence from Natural England during the duration of construction works. Larry has noted that the eastern end of the proposed river frontage is to be a retaining wall leading up the Third Way Bridge. I agree that this may be an issue for the movement of otters during flood conditions where they will run along the banks rather than swim and will cross roads where they intersect the river rendering them vulnerable to vehicle collision. The previous application included otter ledges and baskets with emergent and marginal vegetation to retain a 'soft edge' favourable to wildlife, which is preferable.

Badgers - Badgers are likely to be foraging on site.

Invasive species - There are large stands of invasive Himalayan balsam, Japanese knotweed, and giant hogweed reported in 2010. A small amount of Himalayan balsam has also colonised the Application Site itself, along its northern edge, I agree that the removal of invasive alien species, such as Himalayan balsam, be conditioned. The removal of such species will need to be carried out prior to any groundworks or other vegetative clearance on the site following Environment Agency guidance. Larry's suggested condition could be used.

Suggested condition for Invasive species

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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 EDP's submitted report, dated April 2018 and" It does lighting's" Planning application lighting assessment for Tangier dated April 2018 **and an up to date otter and badger 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 nesting birds
4. A CEMP and LEMP
5. Full Details of lighting

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

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

Informative Note

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

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

Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. 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.

Subsequent comments - Further to the submission of additional biodiversity information, I find it difficult to dispute with the applicant's findings and conclusions.

I therefore withdraw my biodiversity objections subject to the placing of suggested conditions on any permission. This is mainly because the present river bank is not being re-profiled so the vegetation strip will remain and because the intention is to try to implement option 4 for lighting by the County Council not adopting the footpath/cycleway.

HOUSING ENABLING - Owing to the viability issues regarding this site, it is noted that there is no provision for affordable housing in this instance.

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

The development proposal of 182 dwellings includes 161 x 2 bed+ dwellings. Every 2 bed+ dwelling should provide 20sq metres of both equipped and non-equipped children's play space. In this instance, 161 x 20 = 322 sq metres of play.

Children aged 8 years and under should not have to walk more than 400 metres to their nearest equipped play area via a safe walking route. If access from the site is permitted via the Riverside Chambers footpath as the shortest route, the majority of the site will still be more than 400 metres from the nearest under 8's play ground in French Weir Park.

The development should therefore provide an on-site equipped LEAP consisting of at least 5 pieces of play equipment covering the disciplines of swinging, sliding, rocking, climbing, spinning and balancing together with sign, seat and bin. It should be centrally located within the site and overlooked by the front of properties to promote natural surveillance. All equipment should have a minimum manufacturer's guarantee of at least 15 years. TDBC Open Spaces should be asked to approve both the equipment and layout of the play area.

A 400 sq meter LEAP is the requirement generated by 20 x dwellings. Off-site provision should also be made for children of 8 years plus, by way of an off-site payment per dwelling. If the development proposal provides a LEAP and no other meaningful play space then an off-site contribution of £3,263.00 per each remaining 2 bed+ dwelling should be made for provision of additional children's play equipment within the vicinity of the development.

Subsequent comments – No further observations

LANDSCAPE - The LVIA produced by Bridge Associates is satisfactory. I agree that the development of the site and the introduction of a riverside walkway, will integrate well with its surroundings and improve the townscape of this area of Taunton. However I have concerns with regards to the replacement of the existing riverside stone wall, and with regards to the width of the riverside strip. A wider landscape strip with additional trees will provide a more pleasant environment and be of more benefit to wildlife by providing more cover and by helping to control light spill on the river.

I note that the existing willow tree will be retained in the proposed scheme, which I approve. The new blocks are very high but I concede that they are of similar height to the BT building on the north side of the river. It is unfortunate that the attractive views of St John's spire from the north side of the river will be lost.

Subsequent comments - The latest elevation of Block C appears to me to be more balanced.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND -

Re: Noise

The site is adjacent to a busy road (The Third Way) and so there is the potential for traffic noise to disturb residents in the new dwellings. A report has been submitted with the application - Noise Impact Assessment, January 2018. Clark Saunders.

The report gives details of noise monitoring carried out at the site which was used to estimate noise levels at the facades of the proposed dwellings. An assessment was carried out to determine the level of noise attenuation required to ensure acceptable internal noise levels (using criteria from the World Health Organisation guidance). A higher level of attenuation would be required on facades facing the road. The recommended minimum sound insulation specification are given in Table 6.3 of the report, and the facades where this will be required are in Table 7.1.

The report also states that "The sound reduction of the windows should be met by the entire framed assembly with any proposed trickle vents installed and open. If this cannot be met then alternative means of ventilation may be required. There is no reason, however, why windows cannot be openable for rapid or purge ventilation or occupants' preference."

"Due to high sound insulation performance required from the Type A glazing located on the Block F North-east, South-east & South-west facades, high performance acoustic trickle vents are likely to be required. Depending upon airflow rates required, an alternative solution may be necessary to provide background ventilation to these rooms."

The developer should seek advice to ensure that the glazing and ventilation specified and installed in the development meets the requirements recommended in the Clark Saunders report. It should be noted that even with a higher level of attenuation noise (from traffic and other activities) are still likely to be audible inside the new dwellings.

Re: Contaminated Land

A report has been submitted with the application - Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018.

This report refers to a number of previous site investigations, reports and remedial works that have been carried out at the site, which was a former gas works. These investigations were carried out over a number of years, with the more recent investigation, assessment and remedial work being carried out in 2007-8. The work in 2008 included removal of contaminated soil, excavations of tar tanks and treatment of contaminated ground water. Excavations did not take place in some areas of the site due to proximity of the river wall, services or other properties (details were in the remediation Validation Report).

The Red Rock report included a review of the work carried out on the site and states that and includes an assessment of the potential risks from the residual contamination and concludes that “on the basis of the works undertaken and documentation reviewed, it is considered that the bulk of contamination has been removed and disposed of offsite and that although residual contamination may still be present, risk to future receptors can be minimised using construction based measures as detailed in the following section.”

The report then outlines a Remediation Strategy (Section 5) to mitigate future risks. This includes ground gas protection (using vapour proof membranes), displacement piling, requirements for buried services and water mains and capping of garden and landscaped areas.

Regarding the river wall. The report notes that the previous Remediation Statement (Yeandle Geotechnical Ltd 2007) recommended the replacement of the river wall, however, the information in the validation report refers to an easement of 3m being in place along the river wall suggesting that the wall was not replaced. Therefore, it is likely that there will still be some contamination present in this area. The developer should liaise with the Environment Agency regarding any proposed works to the river wall as the main risk from this work would be to the river Tone. To ensure that the work is carried out as part of the planning process I have suggested a condition (below). This is based on the standard contaminated land condition that would be used for this type of site, but takes into account that the initial investigations, risk assessments and a Remediation Strategy have been submitted with the application.

The developer should carry out the remedial works in line with the scheme outlined in the Remediation Strategy and provide verification of the works (as required by part c) of the condition). Note that part b) regarding unexpected contamination is in place until works on the site have been completed. The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the

developer and/or landowner. If any unexpected contamination is found during site works the developer should assess any potential risks and carry out any appropriate remedial work. Compliance with the planning condition does not rule out future action under Part 2A of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

Condition re Contaminated Land.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the scheme outlined in a) below has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (b) has been complied with in relation to that contamination.

a) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document "Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018" must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

c) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced.

The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above). The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

d) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in

accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

ENGLISH HERITAGE NOW HISTORIC ENGLAND (ALL CONSULTATIONS) -

The application site sits at the corner of Tangier and Castle Street on the banks of the River Tone. To the east is Castle Green and Bath Place Conservation Area, a surviving enclave, where post-war destruction has been avoided allowing for the complex palimpsest of historic development to survive. It retains a number of highly graded listed buildings as well as being a scheduled monument within the Castle complex. To the south is Park and Welington Street Conservation Area which includes the grade I listed church of St John the Evangelist. It is characterised by Victorian villas and terraces, which retain an attractive composition with the associated church.

The conservation area has a consistency in terms of the scale and architectural character which reinforces its domestic appearance. The grade I listed church by George Gilbert Scott is substantially unaltered. It has a striking spire that is visible within the surrounding area. From elevated locations, the skyline of Taunton is distinguishable by the punctuation of a number of church towers. Church towers form spiritual symbols but were also a display of wealth and grandeur by rival patrons and congregations. The most notable of towers are those of St James (grade II*) and St Mary's Church (grade I) which are often viewed together. The spire of St John the Evangelist is also a conspicuous feature within these views and contributes to the articulation and strong historic character of the Taunton skyline.

The proposal is to redevelop the site to provide 182 dwellings through a mix of building types including an 8 storey tower. There is an extant permission, granted consent in 2007, for 220 units between 4-6 storeys. Historic England is not averse to the redevelopment of the site but we have concerns regarding the 8 storey tower and its impact on the significance the grade II* listed St John the Evangelist derives from its setting. The new tower is slightly lower than the spire but is robust giving it a conspicuous visual appearance. We have concerns that the tower could form a competing feature to the visual primacy of the church within the surrounding location. There is also potential for it to form an intrusive addition into wider vistas of Taunton that at present are punctuated by the historic towers of the numerous churches. Further assessment into the potential impact of the new 8 storey addition into the wider view of the church towers and spires needs to be undertaken to determine what impact the new tower block will have on this attractive composition (Para 128, NPPF). Notwithstanding the outcome of the assessment harm has been identified through the introduction of a conspicuous feature that competes for primacy with the spire of St John the Evangelists.

In addition we have been unable to find evidence within the application that the archaeological potential of the site has been assessed in accordance with the requirements of the NPPF (Para 128) for this application although we note reference to archaeological reports in the Heritage Statement. We refer you for more detailed advice in this regard to your specialist archaeological advisor at South West Heritage Trust and recommend that you are guided by their advice as to whether any further information is required prior to determination of this application.

The council under Para 129, NPPF, should look for ways to avoid or minimise harm when conflict between the proposals and the asset's conservation have been identified. Any harm will need to be clearly and convincingly justified to demonstrate that the same benefits could not be offered in a less harmful manner (Para 132, NPPF). Therefore, we would question the necessity of an 8 storey block and whether the same benefits could be offered through a less harmful solution.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128, 129 and 132 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Subsequent comments – Thank you for your letter of 6 November 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The additional information does not address our previous comments concerning the height of the 8 storey tower and its impact on the grade II* listed Church of St John the Evangelist. This is set out in our letter dated 24 July 2018. This advice is still extant and this letter (12 September 2018) should be read in conjunction with it.

In that advice, Historic England highlighted the contribution that St John the Evangelist's spire contributes to skyline of Taunton. It is one of a number of churches within the town that articulate the town's silhouette, which is an important aspect of the churches setting. The churches are an important aspect of Taunton's historic development, as they are a display of wealth and grandeur by rival patrons and congregations within the town. The importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. Consequently, the ability to view these competing church spires from longer ranged views, which have formed a characteristic of the settlement's skyline, is an important part of their collective significance.

Since providing this advice, Historic England has had the opportunity to visit the grade I registered park and garden at Hestercombe, whose principal house is grade II* listed. Hestercombe is located on the southern slopes of the Quantoxhills and overlooks the Vale of Taunton. The gardens were laid out by Coplestone Warre Bampfylde during the mid and late 18th century to create a landscaped garden articulated with follies and naturalistic features including the Hestercomb, which is characterised by a series of walks and viewing points to take in the surrounding landscape. The next phase of significant development occurred in the early 20th century. Sir Edwin Lutyen's designed formal gardens that were planted by Gertrude Jekyll, primarily to the south of the house, which were set within the

18th century landscaped parkland.

The gardens, garden frontage of the house and the topography of the comb and the land around it, result in the sites orientation taking advantage of the expansive views of the Vale of Taunton. The site is well established with vegetation but viewpoints have been created that allow for the vale to be appreciated at various levels and locations to offer different views across. As part of these expansive views, the aesthetically pleasing spires and towers of Taunton articulate the middle ground forming features of interest. The design intention appears to have been to use the valley as a '*borrowed*' feature, enriching the views from the House, providing a greater sense of depth beyond the boundaries of the designed landscape. The rural foreground and the surrounding trees screen much of Taunton, the town, leaving the spires and towers to punctuate the views uninterrupted.

The development site will sit between Hestercombe and the spire of St John the Evangelist. The 6 storey elements will be prominent in these views but we do not believe will form a competing feature along the skyline. In contrast, the 8 storey element will form an intrusive and competing feature that will erode the contribution made by St John the Evangelist's Spire to these important views from Hestercombe and to the skyline of Taunton. It will also introduce a structure that lacks the refinement and quality provided by the historic spires and towers, a characteristic of the town.

Historic England has concerns about the proposal. In our previous correspondence, we highlighted the potential impact of the new 8 storey addition into the wider view of the church towers and spires and that further assessment was required. This could be through the form of visualisation and photomontages to allow for a greater understanding of the potential impacts on these longer views.

Following the information provided above, this should also include views from Hestercombe across the Vale of Taunton (Previously Para 128, now in Para 189, revised NPPF). These landscapes are dynamic and meant to be viewed as you move through them and this will need to be appreciated as part of the assessment. However, the assessment should not be limited to Hestercombe and as previously requested should consider viewpoints that take the skyline of Taunton into consideration to appreciate the full impact of the development.

Following an initial assessment, there is a strong possibility that the level of harm proposed by the scheme could be increased due to the impact of the development on Hestercombe (Para 195-196, revised NPPF). At this point the level of that harm cannot be ascertained without the additional information being provided to assess the potential impact. The council under Para 190 (formerly Para 129), NPPF, should consider ways by which to avoid or minimise the harm caused and the conflict in terms of its impact on a number of heritage assets. Any harm will need to be clear and convincingly justified, to demonstrate that the harm is necessary and the scheme could not be delivered in a less harmful way (Revised Para 194, formerly Para 132). Therefore, we would question the necessity of an 8 storey block within the development and would encourage steps to be taken to address the concerns raised above.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Further assessment is required to fully appreciate the impact of the development in those longer ranged views including from Hestercombe, a grade I registered park and garden (Para 189, NPPF).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Further comments – Thank you for your letter of 6 November 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

In our previous correspondence, Historic England raised concerns over the proposed development on the land North of Tangier. The issue was the height of the proposed 8 storey tower and the potential impact on the primacy of St John the Evangelist Church (grade II* listed), part of whose significance is derived from its setting. The church retains significance through its primacy within the surrounding locality as well as its contribution to the Taunton skyline. A key feature of the town is its articulation by prominent church spires and tower and can be clearly appreciated from the longer range views towards the settlement. This includes views from the surrounding hills and the grade I registered park and garden at Hestercombe. The designed landscape and house are orientated towards Taunton and the churches articulate the medium ground of views from within the designated gardens.

In our previous correspondence, we stressed the need for the longer range impact of the development to be assessed through photomontages or visualisations. The applicant has produced a number of viewpoints including views from Hestercombe and within the town centre. These have been helpful in understanding the potential impact of the scheme. We do have one note of caution regarding the methodology of the visualisations. These have been taken with a 50mm lens, which presents a much wider view point and is more typically used for landscape assessments. A more accurate representation would have been to produce the images by an equivalent focal length of 70mm - 80mm (see for instance Visualisation Standards for Wind Energy development (Highland Council 2010 and 2013)). We have not come across a 24mm lense and therefore, it is not clear how this may alter the image presented.

The visualisations from Hestercombe show that the 8 storey block will form a conspicuous feature within views from the gardens. This is due to the scale of the building and its position in the foreground of the town. Steps have been taken in the design to soften and reduce the overall appearance of the block through the choice of materials. We would encourage further steps to be taken that reduce the amount of render of this elevation especially down the central spine of the balconies and that where render is used a more muted tone is utilised. The current use of white reinforces the conspicuous nature of the building, especially with the

scale and massing proposed.

The visualisations from within the town appear to show that the impact of the new development on the church and the other designated assets including the castle complex will be limited. Photomontages although hugely beneficial are only static images limited in terms of time and position within the landscape. Following a brief walk around the site and the adjoining townscape, we consider that the impact maybe greater than the images represent. Therefore, the council need to undertake a robust assessment of the impact from within the surrounding locality to be confident in determining the level of harm caused.

Notwithstanding the council's need to undertake their own assessment to determine the level of harm caused, we have identified that the scheme will still cause some harm on the setting of the church due to the scale of the 8 storey block and its impact on the primacy of St John the Evangelist's Spire. We remain of the position that any harm will need to be clear and convincingly justified, to demonstrate that the harm is necessary and the scheme could not be delivered in a less harmful way (Revised Para 194 and 190). This is with particular regard for the 8 storey building and whether the additional units could be accommodated elsewhere. The council need to be satisfied that this has been rigorously justified within the application.

Furthermore, as harm has been identified, this needs to be considered against the public benefit of the scheme (Para 196, NPPF). Any harm needs to be demonstrably outweighed by the public benefit.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

CRIME PREVENTION DESIGN ADVISOR - No objection – subject to comments

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

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

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

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

Comments:-

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

Burglary – 2 Offence (both business/community)

Criminal Damage - 6 Offences (incl. 4 criminal damage to motor vehicles)

Robbery – 1 (Personal Property)

Sexual Offences - 2

Theft & Handling Stolen Goods - 27 Offences (incl. 2 theft from motor vehicles & 2 theft of pedal cycles)

Violence Against the Person - 28 Offences (incl. 1 malicious wounding, 8 assault ABH, 8 common assault & battery, 1 assault police & 7 causing harassment, alarm, distress)

Total - 66 Offences

This averages less than 6 offences per month, which is classed as a low reported crime level.

2. Road & Footpath Layout – the internal road and footpath layout appears to be visually open and direct and likely to be well used. The single vehicular entrance/exit is also beneficial from a crime prevention perspective in that it can help frustrate the search and escape patterns of the potential criminal.

3. Communal Areas – in particular alongside the River Tone, have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, this area appears to be well overlooked by the majority of the apartment blocks and houses.

4. Defensible Space – it is important that boundaries between public and private space are clearly defined and the plans show surface changes by colour and texture in the form of contrasting brick pavers within the development which should indicate private property and help deter casual access. Block A appears to have some defensible space in the form of patio gardens, a 1.2 metre rail and low level planting to the river elevation but no boundary treatment to the shared surface inner elevation. Block B has a 1.2 metre closeboard fence topped with trellis and a wall to the rear but also no boundary treatment to the inner shared surface. Both blocks have some planting to the gable ends, which should also include defensible space in the form of a buffer of planting or similar. If space permits, I also recommend some form of defensible space adjacent to the rear of the houses where they abut the shared surface, even if also in the form of a narrow buffer of planting.

5. Natural Surveillance – optimum natural surveillance should be incorporated whereby residents can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, internal communal areas and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. Being apartment blocks, Blocks C, D, E & F should enable good surveillance opportunities.

6. External Security Lighting – appropriate ‘dusk to dawn’, low energy security lighting should be designed to cover potential high risk areas including main site access points, undercroft and surface car parks, cycle/refuse stores and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal-resistant and automatically controlled by photo-electric cell or time switch with manual override. There is existing street lighting in Tangier which assists in this respect.

7. Landscaping/Planting – should not impede opportunities for natural surveillance. As a general rule, where good visibility is needed shrubs should be selected which have a maximum growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (prickly shrubs) should be used in appropriate areas to deter unlawful access.

8. Car Parking – the design includes both undercroft and surface parking for the apartment blocks and I have some concerns that the undercroft parking does not appear to have any form of access control applied to the external vehicular and

pedestrian entrances to prevent unauthorised access into the car parks. This potentially leaves residents and parked vehicles open to the risk of crime and raises the fear of crime. Parked vehicles will also be out of sight overnight, increasing this risk. As undercroft parking appears to be essential in the case of the apartment blocks, I recommend that the car parks should be protected by roller grilles or inward opening gates capable of being remotely operated by a driver whilst sitting in a vehicle. Lighting of the car parks should be to BS5489 levels and walls and ceilings should have light coloured finishes to maximise the effect of the lighting. CCTV may also be desirable to monitor the car parks and entrances. The houses incorporate integral garages, which is recommended.

9. Cycle and Bin Stores – the plans indicate integral Bin Stores located in the undercroft car parks in the apartment blocks, which should be lockable to deter the use of wheelie bins for climbing or arson. I have serious concerns regarding the location of the large number of external bike spaces proposed all of which, with the exception of those serving Block C2, appear to be external and not contained within any form of secure cycle store(s). Ideally, secure cycle stores should be provided in the undercroft car parks in the same manner as the bin stores. Failing that, external secure cycle stores should be provided for each block in order to deter cycle theft.

10. Climbing Aids – as the apartment blocks incorporate balconies, any potential climbing aids should be avoided.

11. Doorsets & Windows – in order to comply with **Approved Document Q: Security Dwellings** of Building Regulations, all easily accessible external doorsets (including communal and flat entrance doorsets) and ground floor or easily accessible windows (including rooflights) must be tested to PAS 24:2016 security standard or equivalent.

12. Access Control – an appropriate form of access control system should be installed in each block, with video confirmation on main and secondary entrances, electronic lock release and entry phone linked to each flat to ensure that only genuine callers gain access to the buildings. The doors leading from the undercroft car parks to the lobbies, stairs, lifts and to individual landings should be included in the access control system.

13. Other Internal Security Issues – 24 hour lighting should be provided to all communal parts of the buildings including the communal entrances, landings, corridors, stairwells and all entrance/exit points.

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

HERITAGE - In my view due to the height of the scheme is likely to cause less than substantial harm to the setting of the church of St John the Evangelist as prescribed in paragraph 196 of the National Planning Policy Framework.

Changing the colour of the tower is likely to improve the views from Hestercombe. I would suggest that the existing visualisations be updated to confirm this. If demonstrated then a condition would be acceptable.

I am not in a position to offer comments on the lens used for the visualisations as I don't have the expertise.

My main concern regarding this scheme has always been more difficult to assess.

The impact of the height has been assessed from individual locations. The experience is likely to be one that changes as you walk and drive around. It is dynamic. There will I expect be many views that you experience the new development and the old at the same time. On similar schemes in the past (In Torbay) there has been dynamic modelling of the scheme which has been put into a Z Map. This has allowed more thorough interrogation of the proposal from any location as you move around it. It resulted in some amendments that allowed large very successful schemes to be built. I don't feel we have this level of information here so my confidence regarding harm is not great.

It is highly likely that the removal of a storey will reduce the impact of the scheme and reduce harm. However as I understand it we are not yet clear about the viability of achieving this or the public benefits that would be achieved if either the current or a reduced height scheme was constructed. Because of this I find it hard to help you come to a recommendation.

THE GARDENS TRUST - No comments received

PLANNING POLICY - As discussed, here is a summary of the main issues with this application that I feel need to be addressed.

1. Probably the biggest concern is the fact that the ground floors of the apartment blocks are occupied by car parking, rather than this being placed below ground. The street/riverside elevations at ground level are thus 'dead', rather than occupied space. As an example, the site has a total riverside frontage of some 280m, of which about 170m will be fronted at ground level solely by car parking or by incidental open space. There is thus no habitable ground floor frontage to the river along 60% of the river side of the development.

2. There has to be concern about the height of some parts of the development. TCAAP policy refers to 4/5 storey development. The 4-storey apartments fronting Castle Street (Block E) seem about right in terms of scale, but the other apartment blocks appear too high. Block D towers over the 4-storey Block E by at least 2 storeys – this means that it will probably be as tall as the telephone exchange, and taller than Pegasus Court which adjoins the cricket ground. Block C2 appears to be too high (8 storeys) when compared to the general skyline of the development. The Debenhams building near St Johns church appears to be used as some kind of precedent, but you can see that it is significantly taller than the 'general' skyline, and from some angles interferes with the view of the tower/steeple of the church.

3. If the car parking for the apartments could be placed underground, this would enable the overall height of the development to be lowered by one storey, thereby addressing a lot of this concern (the blocks facing the river would then be 5 storeys rather than 6).

4. Bath Quays development – I was advised on a site visit that car parking to serve a mixed commercial/residential development is proposed underground within the floodplain of the River Avon. If it can be allowed there, why not on a site in Taunton? (Drawings of the Bath Quays proposal, including a cross-section showing the parking in relation to the river, can be seen on the web).

5. The ground floor at the corner of the junction between Castle Street and Tangier Way is 'blank'. Page 8 of the Design & Access Statement refers to the importance of the development 'turning the corner', but the development itself features a window-less, door-less façade at this point.

6. The absence of a continuous riverside path linking to Tangier Way by the

bridge. If there are specific reasons why the developer cannot provide it, then the development ought to allow for such a path to be installed at a later date. In their comments, members of the public have clearly picked up this. More generally, the riverside walkway needs to be at least 4m wide to allow for shared pedestrian/cycle use, and to reflect the width of the established paths in Goodland Gardens.

7. Whether the eastern access road should be designed as a shared surface street, rather than as a road with separate carriageway and pavements. Experience suggests that with a road of this width (seemingly 4.8m), drivers will park on it by 'bumping up' onto the footway.

8. The development ought to be based on the principle of non-assigned parking spaces, so that spaces are used efficiently

9. The applicant proposes 270 cycle spaces, but the Council's adopted parking standards in the SADMP require 1 cycle space per bedroom. 377 spaces are therefore needed, meaning that there is a substantial under-provision.

10. The Residential Travel Plan seems insufficiently ambitious – for example, the target of 50% for trips made as a car driver is actually higher than the existing figure of 45% for that electoral ward.

Representations Received

12 letters received raising the following points:

- Overdevelopment of site that does not enhance river setting
- Some properties are more than 2 storeys high, too close to River Tone and not in keeping with other properties in the area, suggest revised to not more than 2 storeys
- Design is unattractive and unimaginative
- Site is more suited to industrial development not residential
- It does not have affordable housing
- Inadequate flood protection and concerns regarding exacerbating flooding to nearby properties
- No designated public footpath or cycleway linking to existing surrounding paths, which would benefit wider community
- Landscaping should screen development from Clarence Street and create natural barrier to the river
- Willow tree should be protected by a TPO
- Current traffic congestion would be exacerbated and insufficient parking
- Increased noise levels
- Loss of privacy, overlooking, overshadowing and light pollution to properties on Clarence Street
- Loss of riverside trees, hedgerows and open space
- Request financial viability assessment to be published
- Request Swift Schwegler bricks and nest boxes are included in scheme to safeguard swift population
- Query statements set out in environmental assessment in relation to otters, migrating birds and bats
- Concerns regarding impact on bats and otters in terms of lighting and access
- Negative impact upon already oversubscribed local facilities and services

One letter received from Somerset Waste Partnership requesting bin stores to be capable of accommodating relevant amount of bins plus additional capacity for future increase in bins. Bin stores should not be more than 25m from a suitable point for bins to be loaded on to a vehicle.

One letter received from SCC Public Health raising the following points:

- Concerns regarding the lack of emphasis on active travel and discrepancies in figures relating to car parking and cycle parking quotes.
- Riverside cycle and walkway is a cul-de-sac so does not provide a usable route along the river.
- The number of cycle spaces and car parking spaces differs between the application and travel plan.
- The travel plan targets are unambitious for a town centre location with cycle network and bus station nearby.
- Query use of car club; cycleway/footway giving way to east entrance and proposed radii; potential reduction of speed limit on Tangier; and contribution towards widening of footbridges at French Weir due to there now being no new bridge proposed.

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.

A1 - Parking Requirements,
A3 - Cycle network,
C2 - Provision of recreational open space,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
CP4 - Housing,
A2 - Travel Planning,
A5 - Accessibility of development,
ENV5 - Development in the vicinity of rivers and canals,
CP6 - Transport and accessibility,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

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

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	£ 192,074
Somerset County Council	£ 48,019

6 Year Payment

Taunton Deane Borough	£1,152,445
Somerset County Council	£ 288,111

Determining issues and considerations

There are two extant consents on the application site which would, if completed, provide for 225 residential units. The applicant has put forward this application which shows a new scheme for the site to account for the changes in demand for residential housing. Revised plans have been submitted which show 178 units, including the provision of some two storey housing and apartments.

Planning policy requirements

Affordable Housing- Policy CP4 of the Core Strategy seeks a contribution of 25% affordable units within the development. A Viability Assessment has been submitted with the application and this had been independently assessed. The report states; "The results of the viability assessment show that the scheme is not viable, even with no affordable housing, and that there would need to be very significant changes in the costs to alter this finding." It is therefore accepted that the scheme is not able to contribute towards affordable housing through a S106 agreement.

Provision of footbridge – The site lies within the areas identified for development

under the Taunton Town Centre Area Action Plan (TTCAAP) policy Tg2. The site forms part of a mixed use allocation and has been designated to provide residential development and a new riverside path and bridge across the River Tone. The extant consents secured contributions towards the provision of the footbridge through a S106 agreement. It has since been brought to light that there are other issues regarding the construction of the bridge in respect to changes in levels which may preclude the provision of the bridge coming forward. With the current application it is accepted that the viability assessment demonstrates that there would be no scope for the development to contribute towards the provision of the footbridge. The scheme does provide for a riverside path with open public access through the site.

Design

Prior to submitting the application the applicant took the proposals to the Design Review Panel. The comments were largely positive with the emphasis on providing an attractive riverside development, making the most of the town centre site to provide for a high density development. Pre-application advice was also sought which resulted in several changes to the scheme.

The proposals are of modern design, typical of a riverside frontage. It is important that the development addressed all frontages, including the riverside, Castle Street and the Third Way. The units on Castle Street have therefore been designed with direct access onto the street. The site is currently vacant so the buildings will initially appear very large and dominant on the surroundings. It is acknowledged that this is part of an allocated site for re-development, very close to the town centre, where high density development is supported. The dominance of the site will reduce as the other parts of the allocation come forward for development.

Following negotiations amended plans have been submitted to address some initial concerns regarding the elevational treatment of the buildings. The appropriate use of materials, glazing and the addition of balconies helps to reduce the impact from the mass of the buildings. The tower has been reduced to 7 storeys, again reducing the overall scale and massing. The tower is sited further away from the riverside, providing a landscaped area in the central section of the development and creating visual interest along the site. Visuals have been submitted to aid the assessment of the application. The houses are positioned to the west of the site which enables the development to reduce in massing as the distance from the town centre increases. It is considered that the development makes a positive contribution to the appearance of the riverside and will enhance the Tangier area of Taunton.

The proposals meet the requirements set out in policy D10 of the SADMP for dwelling sizes. Policy D12 of the SADMP expects all flats to have a private balcony or access to a private shared garden. The applicant has submitted amended plans which show 81% of all proposed apartments and dwellings meeting the policy. There are a certain amount of units which are unable to have balconies due to overhanging the highway. Given the site constraints, the provision of open space and play equipment within the site and the close access to French Weir Park it is deemed that the level of amenity space to be provided is acceptable.

It is expected that an element of public art is integrated within the development and this can be secured via a suitable condition.

Ecology

The application site does not include the river bank. The bank is not being re-profiled and will remain as an area of vegetation. In the past there has been evidence of otters in the river. It is therefore necessary to have a suitable condition to ensure that the presence of otters is checked prior to commencement of development and that a method statement is approved and implemented if required to ensure their protection.

The 2007 bat survey found high levels of bat activity from three species of bat (common pipistrelle, soprano pipistrelle and a myotis bat) foraging and commuting on the site. The lighting from the development may affect the bats ability to commute along the river. A suitable conditions will ensure the lighting from the development is controlled to prevent adverse impact upon the bats.

There are invasive species of plants on the site which need to be removed via an invasive non-native species protocol.

Bird boxes are to be provided within the site to compensate for the loss of nesting habitat through scrub clearance.

Landscape

A landscaping scheme has been submitted as part of the application. This provides a landscaped walkway along the riverfront comprising specimen trees, multi-stem trees, shrubs, hedges, ornamental ground cover and grassed areas. Some landscaping has been incorporated between the blocks where possible, to break up the mass of hard surfacing. Trees will be planted along the roadside to Castle Street and the Third Way to ensure the development make a suitable contribution to the street scene.

Flooding

The site lies with Flood Zone 3. The scheme will provide for two overland flow routes. Discussions have taken place with the Environment Agency (EA) to establish the impacts of the proposal on flooding. The proposals will result in an increase in risk of flooding to third party land for a 1 in a 100 year event plus climate change. However, the applicant has demonstrated that the proposed development would result in less increased risk than the extant consents. The flood mitigation measures include a traditional piped network and underground attenuation tanks. The LLFA object to the proposals. The constraints of the site and the viability of the scheme preclude more effective flood mitigation measures from being implemented. The EA has therefore withdrawn their objection. It is considered that all the measures referred to in the submitted Flood Risk Assessment should be implemented and conditioned accordingly to be approved in line with guidance from the Lead Flood Authority.

Heritage

Conservation areas lie close to the site and there are several historic buildings from

which the proposed development may be visible. The skyline of Taunton is defined by church spires and the relationship between them are of historic value. Concerns were raised from Historic England and the Council's conservation officer regarding the impacts of the proposals on the historic environment, in particular resulting from the overall height of the proposals. The applicant has undertaken surveys and provided photomontages to aid the assessment of the impacts. Following discussions it has been agreed that the proposals are likely to result in harm to the historic environment but that the harm is considered to be "less than substantial".

In line with the requirements of the NPPF the applicant needs to therefore justify the development. To overcome the concerns raised the applicant has set back the top floor of the tower, reduced its height from 8 stories and also made changes to the fenestration and materials so that the block is less dominant within the landscape. In doing so the impacts have been mitigated and the proposals are considered to result in less impact than the extant permission.

Residential amenity

Residential properties are situated on the opposite side of the river. It is considered that they are sufficient distance away to not be affected by loss of light or loss of privacy. The outlook across the river will be significantly altered, although it is considered that the alterations to the design and the reduced height of the proposal has reduced the overbearing impact of the scheme to the nearby dwellings.

Children's play space

The scale of the development requires provisions for under 8's and over 8's play equipment/space. Without the provision of a footbridge over the river the site is not within the required 400m to the nearest under 8's play space. The plans show under 8's play equipment being provided within the site. This will comprise 5 pieces of equipment being sited within the landscaped area between the buildings and the riverside. The details and exact location of the equipment can be controlled via a suitable condition.

In respect to over 8's play space the calculations provided by the Community Leisure Officer require contributions of £3,263 per two bedroom plus unit.

Highways

The proposals show the provision of 183 parking spaces. SC highways have stated that their parking strategy requires a total of 253 parking spaces plus motorbike spaces. Taunton Deane has adopted its own parking standards within Site Allocations Development Plan 2016 (Appendix E) which states a maximum provision of 1 space per unit within Taunton town centre. In this instance the proximity of the site to the town centre, the bus station and the train station the development is providing sufficient parking spaces and it is not considered necessary to meet the parking standards set by SCC.

SCC highways have raised concerns regarding the internal layout. Whilst the proposals may not meet all the requirements of SCC they are not considered to

pose a risk to public safety and do not affect the existing highway. It is acknowledged that failure to meet the requirements of the highways authority may result in the roads and paths not becoming adopted.

Visibility of the access need to be ensured and conditioned. It will also be necessary to ensure the vehicles leaving the site during the construction phase do not result in increased risk to highway users. This can be ensured through the access visibility and a phasing scheme.

A Travel plan is required and will need to be secured via an appropriate S106/condition. Details for the internal roads, footways and cycleways will need to be submitted and approved via a condition. A condition restricting permitted development will be required to ensure the dwellings retain their parking spaces.

Planning balance

The viability assessment was carried out on the basis of a scheme of 182 units. With the reduction of the tower to 7 storeys the development will only be able to bring forward 178 units. This will have a further impact on the viability of the scheme. The applicant has estimated this to be a figure in the region of £500. It is accepted that with this further impact on the viability of the scheme there is no scope to provide the contributions for over 8's play equipment of £3,263 per two bed plus unit which would equate to £512,291. In this instance, with the proximity to the existing play space at French Weir, it is considered more appropriate to reduce the impact of the scheme on the historic environment by removing one floor from the tower than seek contributions to enhance an already well equipped play space. The development will result in payments of the New Homes Bonus. There is no requirement for CIL payments due to the town centre location of the site. Education provision is now achieved through CIL and cannot be secured in a S106 .

Whilst there is still an impact on the historic environment this must be considered against the public benefits of developing the site. The proposal is considered to be an improvement on the extant permission in terms of design and density. The development of the site will enhance the viability and vitality of the town centre and encourage the regeneration of other allocated sites in the town centre. The public benefits of granting consent for this scheme are considered to justify the less than substantial harm to the historic environment.

Conclusion

The principle of re-developing the brownfield site is supported. The proposals have been amended to take account of concerns raised and it is considered that the scheme cannot be reduced any further without additional threat to its viability. The proposed development is considered to enhance the riverside frontage of the area and it has been designed to minimise impacts upon the historic environment and the nearby residential area.

The application is recommended for approval subject to securing a Travel Plan through a S106 and conditions re; time limit, plan no's, material/samples, construction management plan, phasing plan, contamination, landscaping, ecology,

lighting, flooding, public art, permitted development restrictions.

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

Contact Officer: Ms F Wadsley

48/18/0035

MASHMRC

Report Addendum for 48/18/0035 - Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

Location: LAND ADJACENT TO A38 AND HARDYS ROAD, BATHPOOL,
TAUNTON

Grid Reference: 325820.126248 Removal or Variation of Condition(s)

At the committee meeting on 7 November 2018 Members resolved to defer the decision on this application so that amendments could be sought which involve the provision of additional landscaping to the north of the site to protect residential amenity.

At the time of writing, discussions with the applicant are ongoing, however it is expected that these could be concluded by the time that the Planning Committee meets on 5 December 2018.

A further report will be made on the update sheet and any amended proposals will be uploaded to the applications details available on the Councils website as soon as they are available.

Following this report addendum is a copy of the original committee report and update sheet from 7 November 2018

Contact Officer: Mr B Kitching

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

Location: LAND ADJACENT TO A38 AND HARDYS ROAD, BATHPOOL,
TAUNTON

Grid Reference: 325820.126248

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

(A3) DrNo 17-16.01B Location and Block Plan

(A1) DrNo 17-16.03.J Proposed Site Layout Plan

(A1) DrNo 17-16.04.D Proposed Site Sections

(A2) DrNo 17-16.08.H Block D, Proposed Plans, Elevations and Section

(A1) DrNo 120904-C.01 Rev D Drainage Layout

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

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

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to the use of the building commencing. The scheme shall include details of the species, siting and numbers to be planted.

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

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy

weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

4. Prior to use of the building commencing 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 the approved details. The works shall be retained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

5. No deliveries or vehicle movements, other than staff arriving and leaving, to and from the premises, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

6. No business operations, other than within the building, including staff arriving and leaving the premises, shall take place within the site outside the hours of 6.00hrs – 22.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

7. The use of the building shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

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

8. Prior to the use commencing the cycle parking shall be provided on site in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted.

Reason: In the interests of highway safety.

9. The waste storage facilities shown on the approved plan shall be constructed and fully provided prior to the use of the building commencing , and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

10. There shall be no storage of materials and waste other than in the designated areas shown on the approved plan.

Reason: To ensure the proposed development does not harm the character and appearance of the area and the residential amenities of surrounding properties.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences or means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission.

Reason: To prevent adverse impacts upon the visual amenity of the area.

12. The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. 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. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff and other users will travel to and from the premises by means other than the private car.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be constructed with tinted glass. The details of the tinted glass shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

14. Prior to the use of the building commencing, the details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no other external lighting shall be erected without the benefit of planning permission.

Reason: To safeguard the amenities of surrounding residents.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Preliminary Ecological appraisal dated August 2017, and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for reptiles, bats and, nesting birds.

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

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

Reason for pre-commencement - To ensure site works do not detrimentally affect wildlife

16. Development shall be constructed in accordance with the levels shown on the approved plans.

Reason In order to protect the amenity of adjacent residential properties.

17. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning

Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason; In the interest of the amenities of surrounding properties.

Reason for pre-commencement; In the interest of the amenities of surrounding properties.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

Retrospective planning permission is sought to variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardy's Road, Monkton Heathfield. The changes to the approved plans comprise;

- Finished floor levels raised from 22.45 to 22.475 and slight change to level of access road
- Increase in height of the building – eaves height from 5.8m to 6.6m, ridge height from 7.8m to 8.8m.
- Reduces amount of landscaping – one tree removed from the east elevation of the building and one tree removed from the southern elevation of the building.
- Addition of enclosure attached to the west elevation for 3no. skips and an oil tank.
- Removal of detached structure for storage of skips.
- Alterations to the doorway on east elevation
- Alterations to internal layout

Site Description

The site forms part of an allocated site for employment use and has full planning consent for class B1 & B8 use as part of Monkton Heathfield Urban Extension. An access road has been put into the site and the building is under completion.

To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road. Two of the properties to the North front directly onto the site access. There were also residential properties to the South West boundary of the site.

Relevant Planning History

48/17/0043 Erection of commercial building for Class B1/B8 usage, with amenities, on land adjacent to the A38 off Hardys Road, Monkton Heathfield

48/05/0072 PROPOSED MIXED USE URBAN EXTENSION DEVELOPMENT COMPRISING RESIDENTIAL, EMPLOYMENT, LOCAL CENTRE, NEW PRIMARY SCHOOL, A38 RELIEF ROAD, GREEN SPACES AND PLAYING FIELDS AT MONKTON HEATHFIELD

48/13/0005 CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL DEVELOPMENT SITE HUT AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 07/03/2013

48/15/0037 CONSTRUCTION OF SITE ACCESS ROAD EXTENDING FROM EXISTING ACCESS HEAD AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 15/10/2015

Consultation Responses

WEST MONKTON PARISH COUNCIL - no comment

SCC - TRANSPORT DEVELOPMENT GROUP - no comment

BIODIVERSITY - no comment

WESSEX WATER - no comment

LANDSCAPE – Increasing of the height will exaggerate the issue further

Representations Received

17 letters of objection have been received;

- Overlooking into houses & gardens.
- Electrical transformer has been erected.

- Heavy planting should surround the site around residential housing.
- Property values affected.
- Increased risk of traffic accidents.
- Increased noise pollution.
- Invasion of privacy.
- Misrepresentation of what land was originally meant to be used for.
- Increased traffic.
- Request for trees to be planted around the building.
- Contractors should compensate the immediate properties which are affected.
- Lack of detail on precise changes to approved plan.
- If the building is substantially different to what was granted the application should be refused as it is directly contrary to the interests of the residents which had been taken into account on the original application.
- Objection to increase in height.
- A condition stopping any mezzanine should be added if planning permission is granted.
- TPO's should be applied to the trees otherwise the landscaping could be removed.
- Application has been started with complete disregard for the original permission, with no consideration for the environment and occupants of surrounding properties.
- Building is out of character with everything around it.
- There should be sufficient landscaping to hide the variations along with complete screening on the northern and eastern faces of the building that faces properties.
- It would appear that the builder has blatantly disregarded the height previously agreed. There is no excuse for such an error by an experienced builder.
- The builder should be required to make such adjustments necessary so that the building complies with what was granted.
- Building will tower over other buildings planned for the site.
- Granting planning permission will leave the door open for others to disregard any future restrictions.

Cllr Cavil - the steelwork is 1 metre higher than the original at the ridge; any reduction in landscaping should be resisted; the raised access road will enable lorry drivers to see into first floor windows; the application should include a reasonable landscaping scheme to the north of the building; A comparatively small landscaping scheme against the perimeter fence in the triangular piece of land to the north should be included and would make a difference for those affected properties.

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.

A1 - Parking requirements,
A2 - Travel Planning,
A3 - Cycle network,
A5 - Accessibility of development,
ENV2 - Tree planting within residential areas,
ENV4 - Archaeology,
D7 - Design quality,
D8 - Safety,
D13 - Public art,
CP1 - Climate change,
CP2 - Economy,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SP2 - Realising the vision for Taunton,
SS1 - Monkton Heathfield,
DM4 - Design,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

No increase in floorspace – no change to CIL requirements

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The application seeks to approve revised plans for the building. The only issues which can be considered are the impacts from the alterations to the consented scheme.

This site adjoins residential properties to the north and to the West. On the original application it was acknowledged that the height of the building was intentionally designed to be low to minimize its overall impact. The main consideration is the impact of the increase in height of the building on the amenities of the surrounding properties and the character of the area. The proposed amendments are not considered of detriment to the appearance of the building itself. The building will be more dominant as a result of the increase height so there may be a small increase in its impact upon the amenities of surrounding residents, in terms of its overbearing

impact. The proposed building will be significantly higher than the adjoining dwellings and therefore be more dominant in the street scene. However, there is considered to be no increase in loss of privacy.

In an attempt to negotiate some improvements on the scheme and to ease the concerns of surrounding residents the applicant was asked to provide some additional landscaping to reduce the increased impact, but this has not been forthcoming and the application needs to be determined as submitted.

Whilst there is considered to be an increase in impacts from the proposed buildings the surrounding properties are sufficient distance away for the impacts to not be significant. The impacts therefore are not considered sufficient to warrant a refusal.

Other matters

The transformer building which has been erected is located outside of the red line boundary and does not form part of this application.

The proposals will not increase traffic to the site or noise pollution from the building.

TPO's cannot be implemented or conditioned through this application.

The use of the site and the adjoining land do not form part of the material considerations of this application.

Conclusion

Whilst there is a small increase in the impacts from the proposed alterations they are not significant enough to warrant a refusal and the application 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: Ms F Wadsley

AMENDMENT SHEET – PLANNING COMMITTEE 07 NOVEMBER 2018

AGENDA ITEM - 07

APPLICATION NUMBER – 48/18/0035

AMENDED CONDITIONS –

No.02.

Prior to the construction of the external finishes 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 buildings and the surrounding area.

No.15.

The details approved on the 23rd August 2018 shall be fully implemented in accordance with the approved details and timing of the works.

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

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

Reason: to protect and accommodate wildlife

No.17.

Conditioned removed due to building already being significantly constructed except for the finishes.

AMENDED REPRESENTATIONS–

Agent advises work commenced due to urgency of relocation of Coker Engineering who will employ over 30 people at the site and is working to a tight timetable to avoid job losses. This site was allocated for employment development as part of the planned Monkton Heathfield urban extension and has outline planning permission for B1 use. Your Economic Development officer confirmed in his consultation response to the original application that *“employment zones within new housing areas are critical to the success of the economy of the wider borough”* and that he supports the application which he says, *“will provide modern, flexible accommodation potentially enabling a number of businesses to develop and grow.”*

The building which has been erected is 648mm taller at the eaves and 929mm taller at the ridge in comparison with the originally approved scheme.

The following are important considerations

- The nearest dwellings are 35 metres from the building. The next nearest are over 50 metres away;
- The distance between the building and the boundary of the site is illustrated on the photographs;
- The positioning and heights of the fenestration on the northern elevation of the building is not proposed to be altered from what has been approved. It is solely the roof section of the building which has altered;

The proposals already include landscaping in front of the northern elevation of the building;

- The building as built (and as built) is still lower than the recommended heights set out within the approved Design Brief for the allocated site;
- The triangle area to the north of the building is not within the application site red line area but for the reasons set out below additional landscaping is not justified;
- The change in height of the building in comparison with what has been approved has no material difference to the impact of the building on the residential properties to the north, which are all a significant distance away from the building. At the distances involved, the building as approved and proposed does not have an overbearing or overlooking impact on those residential properties and the building is not significantly taller than those nearest residential properties.

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

CONTACT OFFICER: MRS F WADSLEY

Appeal Decision

Site visit made on 20 November 2018

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2018

Appeal Ref: APP/D3315/W/18/3205186

115 Darby Way, Bishops Lydeard, Taunton TA4 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Harris against the decision of Taunton Deane Borough Council.
 - The application Ref 06/17/0030, dated 18 August 2017, was refused by notice dated 26 February 2018.
 - The development proposed is described on the application form as '1 no. detached 2 bed dwelling, with in curtilage parking for two cars and the creation of 1 no. additional parking space for existing dwelling 115 Darby Way'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. There are revised plans before me which were not initially submitted in support of application Ref 06/17/0030. However those plans are principally to clarify parking arrangements, do not alter the proposal significantly, and I am satisfied that there has been appropriate opportunity for any interested party to comment on the present scheme.
3. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the Taunton Deane Core Strategy (adopted 11 September 2012, the 'CS'), of the Bishops Lydeard and Cothelstone Neighbourhood Plan (adopted 12 July 2016, the 'NP'), and of the Site Allocations and Development Management Plan (adopted 13 December 2016, the 'SADMP').

Main issue

4. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

5. The proposal is to erect a detached dwelling in the comparatively generous side garden of No 115, and to provide dedicated parking for the host property. The appeal site is at a sunken level relative to that of the pavement. It is demarcated by boundary walls, fences and established planting. In scale and design the proposed dwelling would broadly reflect the relatively modern

- understated appearance of others nearby. Those factors would serve to moderate the visual effects of the proposal on its surroundings.
6. I understand that policy BL2 of the Taunton Deane Local Plan adopted in 2004, which supported infill development, is no longer applicable. Nevertheless CS policy SP 1 accords support, in principle, to development within Bishops Lydeard (classified as a major rural centre). As the appeal site falls within the SADMP settlement boundary for the village, there is nothing to indicate that residential development here would be inherently inappropriate.
 7. However the development plan must be considered as a whole, with any conflict between elements of it resolved in favour of the last to be adopted.¹ In summary, and amongst other aims, NP policy H4 'Separate Dwellings in Gardens' sets out that development which would result in the 'loss of or significant harm to' the character of the local area or to the landscape value of residential gardens will not normally be permitted. I acknowledge that policy is flexible rather than an absolute bar on such development, and the appellant's argument that there should be substantial harm to justify withholding consent.
 8. However NP policy H4 seeks to prevent any loss of landscape value, not just that which would amount to significant harm. That policy is justified by a detailed analysis of local character. The NP variously refers to the framing of settlements by a strongly agricultural landscape, to the importance of views and vistas, and to the value of gardens to a sense of openness or spaciousness.² NP policy H4 is also justified on the basis that provision elsewhere is sufficient to meet housing needs, a position in respect of which there is no substantive evidence before me to the contrary.
 9. In a similar vein paragraphs 125 and 127 of the National Planning Policy Framework ('NPPF') set out that design policies should reflect local aspirations grounded in an understanding of an area's particular characteristics, and that development should be sympathetic to local character including landscape setting.³ That is reiterated in the Planning Practice Guidance, which underscores that the pattern of development alongside the presence of gardens and views may be elements of local distinctiveness.⁴
 10. Whilst within the settlement boundary, the appeal site is nevertheless close to the fringe of the village. Gardens in this location have some significance in ensuring a gradual transition of the built form of the village to the surrounding rural landscape. Whilst overgrown, from certain vantage points there are nevertheless views through the appeal site of the rolling countryside which contribute to a sense of openness. I also saw that, when around the access to No 56, there are glimpsed views above the appeal site of the Church of St Mary resulting in some visual connection with the historic centre of the village.
 11. Although there are moderating factors described above, the proposal would nevertheless introduce significant built development in a domestic garden, thereby resulting in an increased level of density at the rural periphery of the

¹ Section 38(5) of the Planning and Compulsory Purchase Act 2004 as amended.

² Respectively NP paragraphs 3.1, 5.1.26, and 5.1.35.

³ In that broad context NPPF paragraph 70 sets out that plans should consider setting policies to resist inappropriate development of residential gardens.

⁴ Including Reference ID: 26-024-20140306 and 26-020-20140306.

village to the detriment of openness. Although relatively modest, the proposal would nevertheless impede certain views of the landscape and the visual connection of this area to the village. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area in conflict with the relevant provisions of NP policy H4 and of the NPPF.

Other matters

12. I have taken account of the concerns those nearby, including in respect of the potential for the development proposed to result in surface water run-off, to adversely affect the outlook or privacy from which neighbours currently benefit, and for the proposal to have a detrimental effect on traffic and pedestrian use of Darby Way. Notwithstanding the topography, there is no indication that the site is vulnerable to flooding or that compliance with the relevant provisions of Building Regulations in respect of drainage could not be achieved.
13. In my view the proposal would be sufficiently separated from other properties with regard to the prevailing pattern of development, and of a similar scale and design to other nearby houses, such that undue effects would not result to the living conditions of those nearby. As many properties are accessed via Darby Way, the effects of one new home in respect of parking or traffic would not be unacceptable. Moreover those concerns do not form part of the Council's case at appeal, and Somerset County Council do not object to the proposal on transport grounds (subject to the revised plans referred to initially).
14. Nevertheless that the proposal would not be otherwise unacceptable is essentially neutral in the planning balance, rather than weighing in favour of allowing the appeal. I acknowledge that the proposal would have certain benefits, principally in representing an addition to housing stock, in supporting employment during construction, and as future occupants would bring custom to nearby services and facilities.
15. However the benefits from one new home would inevitably be modest, particularly set against development plan requirements of up to 200 homes in the village and 17,000 for the Borough to 2028. Moreover neither the support for new homes in the development plan, nor NPPF, is at the expense of ensuring that all development integrates appropriately with its surroundings. As such the other material considerations in favour of the proposal are insufficient in this instance to outweigh the harm that would result.

Conclusion

16. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan as a whole and with the approach in the NPPF. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

