

SWT Planning Committee

Thursday, 10th November, 2022,
1.00 pm

The John Meikle Room - The Deane
House



Somerset West
and Taunton

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying 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.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time

(Pages 5 - 14)

limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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|--|-------------------|
| 5. 38/21/0463 - Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton | (Pages 15 - 30) |
| 6. 38/22/0279 - Demolition of conservatory and garage and the erection of a single storey extension to the side and rear of 6 Orchid Close, Taunton | (Pages 31 - 38) |
| 7. 34/22/0011 - Application for Approval of Reserved Matters for the appearance, landscaping, layout and scale following outline approval 34/16/0007 for the northern ecological buffer, public open space, drainage and landscaping for Staplegrove West Phase 1, north of Staplegrove Road, Taunton | (Pages 39 - 92) |
| 8. 38/22/0176 - Formation of public realm to include landscaping and associated infrastructure works (includes Environment Statement) referred to as The Southern Boulevard at Firepool, Canal Road/Priory Bridge Road, Taunton | (Pages 93 - 152) |
| 9. 10/22/0015 - Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford (resubmission of 10/21/0016) | (Pages 153 - 166) |
| 10. Latest appeals decisions received | (Pages 167 - 172) |



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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SWT Planning Committee - 13 October 2022

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, and Gwil Wren

Officers: Alison Blom-Cooper, Martin Evans (Shape Legal Partnership), Simon Fox, Denise Todd, Briony Waterman, Gareth Clifford and Tracey Meadows

Also Present: Councillors Farbahi, Johnson and Kravis

(The meeting commenced at 1.00 pm)

50. Apologies

Apologies were received from Councillors Firmin, Griffiths and Whetlor

51. Minutes of the previous meeting of the Planning Committee

(Minutes of the meetings of the Planning Committee held on 15 September (to follow))

52. Declarations of Interest or Lobbying

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Description of Interest	Reason	Action Taken
Cllr M Blaker	Ward Member for application 3/05/22/006. Discretion 'not fettered'	Personal	Spoke and Voted
Cllr S Coles	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr R Habgood	Is acquainted with one of the speakers for application 42/22/0043	Personal	Spoke and Voted

Clr C Palmer	Minehead, acquainted with two of the objectors from application No. 49/21/0030. Discretion 'not fettered'	Personal	Abstained
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53.

Public Participation

Application No.	Name	Position	Stance/Attendance
3/05/22/006	A Potter	Local resident	Objecting -in person
	C Magill	Local resident	Objecting- in person
49/21/0030	M Wilson	Applicant	In favour-Statement read out
	Clr Kravis	Ward Member	Objecting –in person
49/21/0030	Dr & Mr Arthurs	Local resident	In favour- statement read out
	P Pepperell	Local Vet	In favour- statement read out
	Mr Orton	Local resident	In favour- statement read out
	E Jones	Local resident	In favour-statement read out
	C Farrington	Local resident	In favour-statement read out
	R Excell	Local resident	Objection-statement read out
	J Pinn	Local resident	Objection- in person
	A Radcliff	Local resident	Objection-statement read out
	Mr Cherry	Applicant	In favour-statement read out
	Clr Mansell	Ward Member	Objection-statement read out
46/22/0005	J Halton	Planning Consultant. Tetra Tech Planning	In favour- in person
42/22/0043	A & J Stainthorpe	Local resident	Objection-statement read out
	T Smith		Objection-statement read out
	T Dean	Parish Council	Objection-statement read out
16/22/0003	L Turner	Boyer Planning	In favour-via Zoom
	Clr Johnson	Ward Member	Objection-in person
	Clr Farbahi	Ward Member	Objection-in person
16/22/0003	R Crocker	Local resident	Objection- in person
	R Crocker	Local resident	Objection-in person
	A Crocker	Local resident	Objection (read out by Mr Wilsdon)

	F Swatton		Objection (read out by Mr Wilsdon)
	N Foster	Applicant	In favour-in person
	T Hiscock	Parish Council	Statement read out

54. **3/05/22/006 - Variation of Condition No. 02 (approved plans) of permission 3/05/20/004 to change the final height of the building as updated on drawings The Paddock, Carhampton Road, Blue Anchor**

Comments/statement from members of the public included;
(summarised)

- Concerns with the height of the ridge;
- Concerns with the loss of privacy on near neighbours;
- Concerns with the dumping of rubble hardcore, topsoil and turf into the rear garden of the paddock without provisions being made of a retaining wall or drainage;
- Previous bungalow on the site never overlooked properties;
- This development would set a precedent to other developers;
- A site visit was needed to assess the site;
- The area of the Paddock to the west of the Paddock has been for a long-time poor amenity land separate to the main garden.
- The recent removal of significant vegetation including hedges and shrubs inside the boundary of Four Winds, does little to mitigate any view they now have of the house;
- In terms of Haze Lea, the existing position of an outbuilding and hedges provides adequate screening. On the other boundary there is a permitted path running down the side and rear allowing fairly unrestricted views across all properties;
- Crucially the views over either property at ground floor level from inside remain unchanged since when the site was purchased in April;
- The owners of Four Winds were asked what they would like to see in place of the fence and vine currently in situ. The offer of hedging was declined;
- The project was fit for modern living and eco friendly;
- The original dwelling had fallen into disrepair and the site overdeveloped with many structures added over time including a boat house on the boundary of Haze Lee with concrete double garages in between;
- The neighbours have benefitted from recent improvement of the site;
- The dwelling is basically the same as previously approved, save for the exception that there is a benign difference in height that falls below the ridgeline of the former building;
- Concerns with the impact on the amenity area in the garden;
- Previous overlooking from the bungalow was from the 2nd floor. This development was significantly higher and made a big difference;
- Conditions needed for loss of privacy and loss of amenity needed;

Comments/statements made by Members included;
(summarised)

- Concerns with the increased ridge height of the building;
- Concerns with the floor level difference;
- Concerns with overlooking;
- Concerns that this was a retrospective application;
- Concerns with the reasons submitted for raising of the sewer levels as there was already a bungalow on site;
- Concerns with the loss of privacy and the heights of the windows;
- The development was lower than the original building so cannot see any harm;

Councillor Hill proposed and Councillor Lithgow seconded a motion for the application to be **GRANTED** subject to conditions, with an amendment to read within paragraph 2.1 that the height of the building is 450mm, this should read 550mm as per update sheet.

The motion was carried.

55. **49/21/0030 - SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU (deferred from 23 June 2022)**

Comments/statements from members of the public included;
(summarised)

- No perceptible odours from calves;
- Calves have been heard less than 5 times over a period of 30 months;
- No perceptible increase in flying insects had been observed;
- The housing conditions were of a high standard and the welfare of all the animals to be excellent;
- The erection of a new agricultural building would allow for optimal calf health, lower stock density levels, better isolation should any disease outbreak occur, longer rest periods for the building between batches of calves, good management number with no significant noise or odours;
- Sheep had been previously grazed on and off this field for the last tow years along with cutting the field for silage;
- Manure from the building was used on arable crops as part of a crop nutrient plan to help reduce artificial fertiliser use. Manure helped improve soil organic matter and aids water retention reducing run off;
- Agricultural business is an important part of the rural economy in the Wiveliscombe area and should be supported;
- Concerns that no calves had been on the land in question for at least 30 years plus;
- Concerns that the applicant installed a handful of calves in temporary shelters on the field in question following the last committee meeting;
- Concerns with moving livestock around;
- Concerns that no noise assessment had been provided for this location;

- There has been an increase in noise from this location with only a small handful of calves in residence particularly when the site is visited;
- The main field has been used for cropping with no livestock present whilst this type of farming was undertaken;
- Suitable landscaping should be required along the building sides that are not alongside current hedging;
- Concerns with noise and smell from the development;
- Concerns with the calves left overnight with no herdsman present on site;
- Concerns with the increase of traffic movement;
- All calves were purchased from a single dairy farm and rear them through the milk feeding stage. Calves are then sold to other framers to graze and grow on;
- The agricultural building was to improve facilities for the calves to better facilitate the all-in-all calf rearing system and optimise health;
- Small groups of calves on separate sites provides better biosecurity and meets the Animal Plan and Health Agency's requirement for isolation facilities;
- No impact on local residents;
- Wiveliscombe Town Council have visited the site and stated that there were no concerns regarding the location of the barn;
- This development was supported by the Parish Council;
- No objections relating to noise has been commented on by the EHO;
- The application has been assessed by the Council as phosphate neutral;
- Calf movement records have been submitted to the Council;
- There appears to be no evidence from the applicant on the herd size previously at the site of the planning application;
- Concerns regarding lack of mitigation for the increase in herd size and for the potential of this application to cause noise and odour disturbance to local residents;
- This development will allow an increase in herd size on the site, and so the application should be subject to a proper Habitats Regulations Assessment;

Comments/statements from Members included;
Summarised)

- This was a working farm in a farming community and the farmer had a right to make a living;
- Calves only make a noise when they are first removed from their mothers;
- The straw was mitigating any phosphate issues;
- We need to keep with new agricultural practices;
- Concerns with the lack of detail regarding manure or feed storage on site;
- Residents have a right to continuing tranquillity where possible when living in the open rural communities;
- Concerns with the criteria for phosphate load on the site;

Councillor Lithgow proposed and Councillor Tully seconded a motion for planning permission be **GRANTED** subject to conditions set out in the report

to Planning Committee dated 23 June 2022 and an additional condition to limit the total number of animals on the site;

The motion was carried.

56. **46/22/0005 - Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023)**

Comments/statements from members of the public included;
(summarised)

- The site was a small visually contained infill plot which will deliver a sustainable and well-designed three-bedroom home;
- There were seven letters of support from neighbouring properties;
- The Parish Council supported this application;
- No objections had been received on the application;
- The site was a sustainable location for a single dwelling with services only 400 metres from services and facilities at West Park Business Park which include a petrol filling station which sold groceries and day-to-day essentials, various cafes, a nursery and various employment sites;
- There was an established pedestrian route that exists along the verge which is kept closely mown at all times of the year and provides opportunities for access to services on foot;
- The owners of the path have stated that this will be maintained for the benefit of their own site and for local residents who wish to access West Park;
- Charging point to be included in the development;

Comments/statements from Members included;
(summarised)

- This was a house in the middle of the countryside with no facilities and the proposed footpath was just a grass verge that the neighbour cut;
- The application goes against Policies;

Councillor Hill proposed and Councillor Aldridge seconded a motion for the application to be **REFUSED** as per Officer recommendation;

The motion was carried.

57. **42/22/0043- Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton**

Comments/statements from members of the public included;
(summarised)

- Concerns that this turning head was poorly planned and an unsafe space for pedestrians and cyclists;
- The turning head should be located elsewhere for safety reasons;
- The cycle route needs amending to come around the north west side of the Honeysuckle house to join the park on the other side;
- Walkers and cyclists safety would be compromise if this application was approved;
- The application sought to make some minor amendments to the vehicular entrance to the compound area and did not affect the operation or design of the permitted pumping station, water booster station or gas pressure reducing station facilities;
- The purpose of this Section 73 application is to vary the approved plans to allow for a larger vehicular turning head off Comeytrove Lane at the entrance to the Pumping Station. These amendments have been included at the request of the County Council; and its inclusion will enable vehicles sufficient space to manoeuvre and turn around at the end of Comeytrove Lane once the road is closed to through traffic;
- Since approval in 2021, further improvements to the site wide cycleway have also been requested to meet the County's latest guidance on cycleway specifications. For completeness, we have therefore identified the latest cycleway details on the revised pumping station compound drawings for which approval is sought. The updated cycleway proposals are very much a betterment for cyclists;
- The pumping station equipment and facilities remain unaltered with the increase of the perimeter of the compound enclosure to meet the very latest 'Design and Construction guidance'. The Gas Governor has also been rotated in orientation to better suit the proposed new width of the vehicle turning head and footway/cycleway;
- The proposal was detrimental to existing residents;
- Concerns with vehicles reversing over a cycle walkway;
- Further audits needed before the application is decided;
- The turning point needed to be sited elsewhere for the safety of residents and children using this route;
- Concerns with flooding in the area;
- The Parish Councils have registered their objections to the current proposals;
- The application needs to be deferred for the developers to come up with a safer option;

At this point in the meeting (4:20pm) an extension of 30 minutes was proposed and seconded.

Comments/statements from Members included:
(summarised)

- Concerns with the safety of the tactile part on the cycleway/walkway;
- This was an improvement and safer than the current lane;

- The developers have a blank canvas, so this is a perfect opportunity to reroute the cycleway;
- Concerns with the multi-use cross roads;
- Concerns with the loss of trees in the development;
- Alternative sites need to be considered;
- Cycle route needs re-routing with the turning head left in place;
- Concerns with the safety of the staggered barriers to slow cyclists down before they reach the bottom due to the gradient drop between the top of the site and the bottom of the road;
- The path needed to be generous to accommodate both cyclists and walkers. It also needs to be kept free from hedgerows/weeds;
- Concerns with the area being used for parking for leisure purposes;
- Google Maps would need to be informed that the road would be closed for satellite navigation systems;
- Accessibility needs needed to be met so that people using trikes ect can get through the gates;
- This application needs to be deferred for a site visit;

At this point in the meeting (4.50pm) the final 30-minute extension of time was proposed and seconded.

Councillor Coles proposed and Councillor Habgood seconded a motion for the application to be **DEFERRED** for a site visit.

The motion was carried.

At 4:55pm Councillor Mark Lithgow left the meeting.

58. **16/22/0003 - Installation of solar panels, extension of patio area and implementation of water treatment plant at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken) (resubmission of 16/22/0002)**

Proposed and seconded that as this application was in progress before the final 30-minute extension expired that it would be determined.

Comments/statements from members of the public included;
(summarised)

- This was a retrospective planning application;
- Concerns with noise and acoustic interference;
- Concerns with the applicant using neighbouring private access route;
- Concerns with the outflow to the local culvert;
- Conditions were needed for the new foul treatment plants specifically to Warrs farmhouse and the new annexe;
- A vehicular and access parking plan seeds submitting before approval of this application;
- Permitted development rights should be removed for the site;

- No work on the property had commenced until planning permission had been approved;
- Concerns from neighbours regarding connecting the barn to the current 24 year old sewage treatment plant had been listened to and offers to share the cost to replace the current system had been refused;
- The position of the solar panels were to minimise the impact on the countryside view and would be shielded by hedgerows;
- Confirmation needed to confirm that Warrs farmhouse and the new annexe would be permanently disconnected from the EA licensed shared Kargester installed in 1996/7;
- The plant room was intrinsic to the solar panels installation and creation of various EV charging points location was deemed critical as believed to be located on the restricted shared access and should not hinder forward gear movement of traffic using that;
- Concerns had been raised with regard to the potential electromagnetic noise emanating from the 'plant room' which could cause interference with electrical items in adjoining properties including but not solely broadband, telephones, TV and any other devices functionality;

Comments/statements from Members included;
(summarised)

- Confirmation sought on whether the water treatment plant was governed by the Environmental Agency;
- Concerns raised relating to the solar panels creating radio noise would depend on the size and the design of the system;

Councillor Hill proposed and Councillor seconded a motion that permission be **GRANTED** subject to Conditions as per Officer recommendation.

The motion was carried.

59. **38/21/0463 - Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton**

This application will be heard at the next planning meeting on the 10 November.

60. **Latest appeals and decisions received**

The latest appeals and decisions will be heard at the next meeting on the 10 November.

(The Meeting ended at 5.45 pm)

Application Details	
Application Reference Number:	38/21/0463
Application Type:	Full Planning Permission
Earliest decision date:	17 March 2022
Expiry Date	03 February 2022
Extension of time	30 September 2022
Decision Level	
Description:	Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton
Site Address:	THE OXFORD INN, ROMAN ROAD, TAUNTON, TA1 2BN
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	SOMERSET WEST AND TAUNTON
Committee Date:	
Reason for reporting application to Committee	Committee as public interest due to Council application with phosphate solution

1. Recommendation

1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections or new issues being raised by Natural England

2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered to safeguard residential amenity and to be reflective of the character of the area and will provide low energy affordable homes in compliance with policies CP1 and CP4.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit of 3 years for commencement
Drawing numbers of approved plans
Materials to be agreed
Lighting details to be agreed
Bird protection requirements

Biodiversity enhancement requirements
 Water consumption limitations
 Affordable housing provision details to be agreed
 Flats to be demolished prior to occupation of new building permitted
 Visibility splays to be kept unobstructed
 Disposal of surface water to be agreed
 Obscure glazing to be provided in second floor, east elevation
 Balcony screen detail to be agreed
 Boundary wall retention on east of site

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement, bat and badger informatives and highway licence.

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to demolish the disused Oxford Inn pub and adjacent garage block and erect a pair of semi-detached properties as well as a three storey block of flats providing 4 x 1 bed and 2 x 2 bed units. Parking bin and bicycle storage is provided and the submission includes an ecological assessment and a phosphate mitigation strategy. The Design and Access Statement also includes a viability assessment of the existing public house.

4.2 Sites and surroundings

The site currently consists of a disused public house that is L-shaped and a two storey brick structure on the corner of Outer Circle and Roman Road. There is a single storey addition to the eastern side and a block of single garages to the east with the surroundings largely hard surfaced. The site lies within a residential area with dwellings adjacent to the east and north.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
None			

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

The site lies within the catchment of the Somerset Levels and Moors Ramsar site. Natural England has advised the Council that, in determining applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a

project level appropriate assessment where a likely significant effect cannot be ruled out.

While the site lies within the Somerset Levels and Moors catchment area and will drain to the existing foul sewer, the intention is to demolish existing flats elsewhere in town and so the development can be considered nutrient neutral, subject to a suitable grampian condition. This approach has been agreed by Natural England.

8. Consultation and Representations

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

8.1 Date of consultation: 10 December 2021

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 18 January 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
SCC - ECOLOGY	To comply with policy and legislation please add conditions re bat lighting, bird protection, biodiversity enhancement and notes re bats, badgers	See para 10.2.7
Consultee	Comment	Officer comment
SCC - RIGHTS OF WAY	No comment	
Consultee	Comment	Officer comment
SCC - TRANSPORT DEVELOPMENT GROUP	No objection although concern raised over loss of parking and suggested conditions re visibility, parking, disposal of surface water, covered cycle and EV charging points. Note re highway licence.	See para 10.2.4
Consultee	Comment	Officer comment
WESSEX WATER	No objection - there must be no surface water connections to the foul sewer.	
Consultee	Comment	Officer comment

LANDSCAPE	The landscape proposals are comprehensive and suitable	See para 10.2.7
Consultee	Comment	Officer comment
POLICE ARCHITECTURAL LIAISON OFFICER	No objection - concern over location of cycle/mobility stores	See para 10.2.2
Consultee	Comment	Officer comment
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	Means of escape in case of fire should comply with the Building Regulations 2000 and access and facilities should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.	Compliance with the Building Regulations is not a planning issue.
Consultee	Comment	Officer comment
SOUTH WESTERN AMBULANCE SERVICE	No comment received	
Consultee	Comment	Officer comment
SOMERSET WASTE PARTNERSHIP	No comment received	
Consultee	Comment	Officer comment
TREE OFFICER	No objection	
Consultee	Comment	Officer comment
HOUSING ENABLING	<p>This site is delivering 100% net zero carbon affordable housing and has been designed to meet the requirements of Building Regulations Part M, Category 2: Accessible and adaptable dwellings.</p> <p>Taunton has a significant housing need across all house sizes, tenures and type. The proposed unit mix of 4 x 1bed 2 person flats, 2 x 2bed 3 person flats and 2 x 2bed 4 person houses for Affordable Rent will meet the demonstrated need of the area.</p>	See para 10.2.10
Consultee	Comment	Officer comment

NATURAL ENGLAND, CONSULTATION SERVICE	The mitigation proposed in the submitted <i>Updated Phosphate Mitigation Strategy (15/08/2022)</i> will be sufficient to achieve nutrient neutrality for the proposed development. The Strategy provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Ramsar Site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.	See para 10.2.7

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

One letter has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Concern over boundary treatment amenity impact	see para 10.2.6
overlooking/loss of privacy	10.2.6
Support	Officer comment

9. Relevant planning policies and Guidance

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

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

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

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- CP1 - Climate change,
- CP4 - Housing,
- CP8 - Environment,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,
- A1 - Parking Requirements,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- D7 - Design quality,
- D8 - Safety,
- ENV2 - Tree planting within new developments,
- I4 - Water infrastructure,

SWT published the 2022 SHELAA in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).

As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and

taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS. The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that Presumption would not apply.

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

N/a

9.1 National Planning Policy Framework

Sections 2, 4, 5, 8, 11, 12, 14 and 15

10. Material Planning Considerations

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

10.2.1 The principle of development

The proposal involves a redevelopment of a brownfield site within the built up area of the town, a sustainable location in accordance with Policy SP1, and in principle is considered acceptable subject to compliance with other plan policies.

10.2.2 Design of the proposal

The proposal is for a pair of semi-detached properties and a block of 3 storey flats on the corner with Roman Road and Outer Circle. The flats are proposed in brick with a flat roof enabling solar panel provision on the roof and the semis also have a modified hipped roof to enable solar panels. While the three storey flat roof form is at odds with the semi-detached properties in the vicinity, it reflects the overall scale of the nearby buildings and addresses this corner site while maintaining the vertical emphasis of building form. This is reflective of the recently adopted Design Guide and a condition is proposed to ensure the final materials reflect the character of the area. The cycle and bin storage is designed into the scheme and for the flats this utilises an existing garage space to reduce demolition and enable reuse of materials rather than new build. This means the site is outside the private garden of the flats and while the Crime Design Adviser raises concern over this it is considered secure and is considered an acceptable alternative given the zero carbon ambitions of the scheme.

10.2.3 Quality of Accommodation

The accommodation meets the minimum standard requirements of policy D10 and the two storey dwellings provide two bedrooms and a bathroom upstairs and a living/dining room, toilet, kitchen, hall and storage space, including cycle store within the porch downstairs. Externally there is private garden space, bin storage and parking space and the provisions are considered to comply with the requirements of policy D12 concerning amenity space. The flats also meet the required space standards and have access to private balconies and external shared garden space to comply with policy.

10.2.4 Access, Highway Safety and Parking Provision

The proposal provides an off road parking space for each dwelling plus 3 parking spaces, mobility scooter store and cycle storage for the flats. The scheme results in the loss of 5 garage spaces and while there is a net loss, this is considered in line with on road availability and the character and nature of the area given the accessibility of the site and to be in compliance with the policy requirements set out in A1 of the Site Allocations and Development Management Plan. The Highway Authority has raised no objection to the scheme but has recommended a number of conditions. It is proposed to condition visibility and disposal of surface water to prevent discharge to the highway as these are beneficial to highway safety. The provision of the car and cycle parking are designed into the scheme and so it is not considered necessary to condition, while the provision of EV charging points is now a requirement of Building Regulations and so it is not considered necessary to secure by condition. A note with regard to requiring a highway licence is proposed as requested.

10.2.5 The impact on the character and appearance of the locality

The scheme provides a residential development largely in keeping with the scale, form and character of the area. The development is considered to comply with policies CP1, CP4, DM1, DM4 and DM5 of the Core Strategy in providing zero carbon energy efficient homes in a sustainable location. The height of the scheme reflects the height of existing dwellings, although the roofs are modified to allow for photo voltaic (pv) panels on the roofs to ensure energy efficiency.

10.2.6 The impact on neighbouring residential amenity

The proposal provides a pair of new dwellings and a three storey block of flats. The new dwellings retain window to window distances and are not considered to harm privacy or amenity of existing dwellings. 1 letter of concern has been raised in respect of the impact on amenity and privacy as a result of the flats. To address this it is proposed to retain the existing wall boundary of the garages to be demolished which will retain the amenity, privacy and safety of the neighbour to the east. In addition the windows at second floor level are to be obscure glazed and limited opening to prevent overlooking and this will be conditioned as will an obscure screen to the side of the balcony.

10.2.7 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

There are no trees on the site affected by the development and no adverse ecology impact identified as a result of the demolition. The new scheme will provide a comprehensive landscaping scheme which will be an enhancement as will the

biodiversity gains recommended by the ecologist and conditioned as part of the proposal. This includes bat and bird boxes, a swift box and bee bricks. This is considered in line with policies CP8 and ENV2. The development will drain to existing sewers and the revised phosphate mitigation strategy to secure a nutrient neutral scheme proposes demolition of flats elsewhere in the town to compensate for the new build here. This can be secured through a grampian condition and Natural England are supportive of this approach.

10.2.8 Waste/Recycling facilities

The provision for waste storage is provided for in bespoke storage areas at the front of the two dwellings and within a specific store area to the east of the flats.

10.2.9 Flood risk and energy efficiency

The site lies within flood zone 1 and the development will not increase the flood risk in the area. The development is one of a number of schemes on Council land designed to address the climate emergency. The zero carbon affordable housing project was established to address the commitment set out in the Carbon Neutrality and Climate Resilience Plan Framework Document. The development will attempt to keep embodied carbon levels to a minimum by using recycled materials where possible and plan for disassembly at end of life. Zero carbon design relies on passive solar design, air tightness and improved insulation standards. Mechanical ventilation and heat recovery will allow occupants to maintain internal comfort and clean air while reducing the need to waste energy on space heating. The proposal aims to provide 100% of energy demand on site through renewable means; roof mounted pv panels in this instance thus meeting the requirements of policy DM5.

10.2.10 Any other matters

The proposal involves the demolition of the existing pub which in this instance is not recognised as a community asset. An assessment has been made in terms of the cost of refurbishing the building and to the future viability of it being retained as a public house. However given the current economic climate it is not considered to be viable and this together with the availability of other facilities, it is considered that the best option is provision for needed affordable housing. The latter is supported by the Housing Enabling Officer and a condition is imposed to secure this.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 595sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £41,750.00. With index linking this increases to approximately £59,250.00.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. The scheme will provide needed new affordable home in a sustainable location and will provide jobs in the construction process. The development is considered to meet the policy requirements of the development plan and the provision of conditions can address the local concern raised in terms of amenity impacts and the benefits of the scheme are considered to outweigh any limited negatives.

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

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Conditions

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

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

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

(A1) DrNo: 154511-STL-06-XX-SH-A-XXXX-07601 Rev PL_PL01
Accommodation Schedule

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02602 Rev PL_PL03 Site
Elevations

(A0) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02611 Rev PL_PL04 Flat
Elevations

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03601 Rev PL_PL01 House
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03602 Rev PL_PL03 Site
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03611 Rev PL_PL01 Flat
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-06601 Rev PL_PL04 3D
Visualisations

(A1) DrNo: 142926-C.02 Rev P4 Engineering Layout

(A1) DrNo STL-06-00-DR-A-XXXX-00602 Rev PL_PL03 GA Roof Plan

(A1) DrNo STL-06-00-DR-A-XXXX-01601 Rev PL_PL03 Ground Floor Plan -
Flats

(A1) DrNo STL-06-00-DR-A-XXXX-D1601 Rev PL_PL03 Demolition Plan

(A1) DrNo STL-06-00-DR-A-E0601 Rev PL_PL02 Site Location Plan

(A1) DrNo STL-06-00-DR-A-E1601 Rev PL_PL02 Existing Site Plan

(A1) DrNo STL-06-01-DR-A-01605 Rev PL_PL02 First Floor Plan - Houses

(A1) DrNo STL-06-XX-DR-A-XXX-03621 Rev PL_PL03 Bike

Storage/Recycling and Retained Garage

(A1) DrNo STL-06-ZZ-DR-A-XXXX-00601 Rev PL_PL03 GA Site Plan

(A1) DrNo STL-06-ZZ-DR-A-XXXX-01602 Rev PL_PL03 Upper Floor Plan -
Flats

(A1) DrNo STL-06-ZZ-DR-A-02601 Rev PL_PL02 House Elevations

(A1) DrNo STL-XX-XX-DR-A-00701 Rev PL_PL02 2B4P (A) House Type Plan
& Elevations

(A1) DrNo STL-XX-ZZ-DR-A-00705 Rev PL_PL02 Bin Store Elevations

(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Unit Dimensions
(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Foundation Pads
(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Foundation Slab

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

3. Prior to the construction of the buildings above dpc and notwithstanding the submitted plans, 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. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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.

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

6. The following will be integrated into the design of the proposal
- A) 2x Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.
 - B) 4x Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of the building or onto trees and maintained thereafter.
 - C) 5x bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of the building and maintained thereafter.
 - D) A 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

7. No individual dwelling hereby approved shall be occupied until:
- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
 - ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the [Taunton Deane: Core Strategy Policies DM5 and CP8][West Somerset: Local Plan to 2032 Policy CC5 and NH6] [the Supplemental Planning Document - Districtwide Deign Guide] and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

8. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing

shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2021 or any future guidance that replaces it, in perpetuity.

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

9. No occupation of the new buildings hereby approved shall take place until the demolition of the flats identified in the Phosphate Mitigation strategy takes place.

Reason: To safeguard phosphate levels in the Somerset Levels and Moors Ramsar site and protect habitat as required under policy CP8 of the Taunton Deane Core Strategy.

10. With the exception of the bin stores there shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the development is first brought into use and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

11. 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 occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

12. 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 second floor windows to be installed in the east elevation of the flats shall be obscured glazed and limited opening. The type of obscure glazing and details of the limited opening shall be submitted to and agreed in writing by the Local Planning Authority prior to the windows installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

13. Details of an obscure screen to a minimum height of 1.7m on the east side of the eastern most balconies shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

Reason: To protect the amenities of adjoining residents.

14. The boundary wall to the east of the site with the neighbour shall be retained as existing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and security of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop

until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

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

Application Details	
Application Reference Number:	38/22/0279
Application Type:	Full Planning Permission
Earliest decision date:	03 October 2022
Expiry Date	21 October 2022
Extension of time	14 November 2002
Decision Level	Committee
Description:	Demolition of conservatory and garage and erection of a single storey extension to the side and rear of 6 Orchid Close, Taunton
Site Address:	6 ORCHID CLOSE, TAUNTON, TA1 3XL
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mrs S Melhuish
Agent:	
Applicant:	MR N WILLIAMS & MS L FRASER
Committee Date:	10 November 2022
Reason for reporting application to Committee	Applicant is a member of staff

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 -Due to the scale, design and location of the proposed extension the development would not harm the living conditions of the occupants of the adjacent property or the character and appearance of the area and therefore the proposal complies with policy D5.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit of 3 years for commencement 3.1.2 Drawing numbers of approved plans 3.1.3 No further windows in the side elevations.

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement
3.2.2 Encroachment

4. Proposed development, site and surroundings

4.1 Details of proposal

The erection of a single storey flat roof extension to the rear of the property to replace the existing conservatory and flat roof garage, to provide an additional bedroom and kitchen/diner. The bedroom extension will be brought in line with the rear elevation of the main dwellinghouse.

The extensions will be finished in brick work under a flat roof. The scheme initially showed the structure of the garage predominately remaining unchanged, however in light of the comments from the adjacent neighbour, amended plans have been submitted that show the existing garage being demolished and an extension built in its place. This will wholly within the Applicant's land and using either a raft or eccentric foundation. As originally submitted, a high level window is shown in the front elevation and patio doors in the rear. Triple patio doors are shown in the back of the rear extension and no windows in either side elevation. Any installation of further windows in the future have been controlled by condition.

The application is being brought to Committee as the Applicant is a member of staff.

4.2 Sites and surroundings

6 Orchid Close is a modern semi-detached property finish brick and render under a tiled pitched roof. To the side is an original flat roof garage with parking to the front, a conservatory has been added to the rear of the property.

5. Planning (and enforcement) history

No planning history for the property.

6. Environmental Impact Assessment

Not applicable.

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 31 August 2022

8.2 Date of revised consultation: 19 October 2022

8.3 Press Date:

8.4 Site Notice Date: 12 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
SCC - ECOLOGY	Not required	Flat roof garage, well sealed.
SCC - TRANSPORT DEVELOPMENT GROUP	Refer to standing advice.	Noted

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

1 letter has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
None	
Support	Officer comment
None	

8.7.1 Summary of objections - non planning matters:-

No consent will be given for a structure over the boundary line,
Drains run alongside the neighbour;'s property
The Party Wall Act should be respected and property should be protected during construction
Any damage to property - do the Council compensate?
Garden should remain enclosed, any access will be subject to supervision
Stability of property as substantial earth works will take place.

9. Relevant planning policies and Guidance

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

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

DM1 - General requirements,
D5 - Extensions to dwellings,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

There is no Neighbourhood Plan in place.

9.1 National Planning Policy Framework

The application accords with the general principles of the NPPF.

10. Material Planning Considerations

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

10.1.1 The principle of development

The principle of extending a residential property is acceptable subject to compliance

with the relevant policies.

10.1.2 Design of the proposal

The scheme was initially submitted showing the garage to be converted to an additional bedroom and both this and the proposed extension finished in render, however given that the front of the property is finished in brick at ground floor level and rendered above, it was considered that brick would be a more appropriate finish. Amended plans had been submitted to show this.

The application has been further amended to show the existing garage to be demolished to enable a single storey extension to be built in the same position as the garage with either new raft or eccentric foundations that will ensure that all the development will be within the applicant's land. As originally submitted, the side extension will be brought in line with the rear of the host property thus removing the existing gap; this extension will have a flat roof, which will reflect the existing garage that is to be demolished. Whilst in design terms, flat roof extension projecting to the side of a dwelling may not be acceptable, each is considered on its own merits and therefore, given that the extension will be well set back from the road, alongside number 6 and the neighbouring property, it is considered acceptable; the overall scheme complies with policy D5 (Extensions to dwellings) of the Taunton Site Allocations and Development Management Plan

10.1.3 Access, Highway Safety and Parking Provision

There will be no change to the existing access arrangements at the property and whilst the garage space will be lost there will be parking available within the front garden and in front of the new extension.

10.1.4 The impact on the character and appearance of the locality

The amended plans show the existing garage to be demolished and a single storey extension built in its place. The extension will be in such a position that it is set back the depth of dwellinghouse and the front garden, this will reduce any impact that the extension will have on the street scene or the character of the area as a whole.

10.1.5 The impact on neighbouring residential amenity

This application originally sought to convert the existing garage to an additional bedroom and replace the existing conservatory with a single storey extension. The external structure of the garage would have remain unchanged along the boundary with the neighbour at number 4 Orchid Close, except for a small extension to the front. The applicant's have amended the scheme to replace the garage with a single storey extension in the same position, which will overcome the neighbour's concerns with regards to encroachment. The extension will be brought forward (as shown on the original submission) to in-fill an area between the Applicant's property and the side gable end of the neighbouring property, thereby having no adverse impact in terms of overlooking or loss of light.

The single storey extension to the rear will replace an existing conservatory. Whilst

the extension will be built alongside the boundary, given the depth of the extension, there will be no adverse impact on the living conditions of the occupants of number 8 Orchid Close.

The comments received from the neighbour at number 4 Orchid Close are not planning considerations but issues that will need to be agreed as civil matters. The Agent has amended the application in order that the extensions will be finished in brick, this will be easier to construct without needing to render the extension and by proposing a raft or eccentric foundation, this will ensure that no encroachment will take place into the adjoining boundaries.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not payable in this instance.

12 Planning balance and conclusion

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

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

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Conditions

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

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

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

(A1) DrNo 6615-ACC-00-ZZ-DR-A-0200 Rev P6 Proposed Floor Plans & Elevations

(A3) DrNo 6615-ACC-00-ZZ-DR-A-0400 Rev P2 Proposed Site Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no windows shall be installed in the east (side) elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

Application Details	
Application Reference Number:	34/22/0011
Application Type:	Approval of Reserved Matters (Appearance, Landscaping, Layout, Scale) following an Outline Consent
Description	Application for Approval of Reserved Matters for the appearance, landscaping, layout and scale following outline approval 34/16/0007 for the northern ecological buffer, public open space, drainage and landscaping for Staplegrove West Phase 1, North of Staplegrove Road, Taunton
Site Address:	Phase 1 of Staplegrove West, North of Staplegrove Road, Taunton
Parish:	Staplegrove
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	Origin3
Applicant:	Bloor Homes South West
Reason for reporting application to Members:	In the public interest. Staplegrove (West) Garden Community is a significant development.

1) Recommendation

That planning permission be **GRANTED** subject to conditions

2) Executive Summary of key reasons for recommendation

- 2.1 The application seeks reserved matters approval for the laying out of the northern ecological buffer, public open space, drainage and landscaping comprising Phase 1 of the Staplegrove West half of the wider Staplegrove Garden Community allocation.
- 2.2 The application builds on the parameters set at the outline stage and will provide the bat habitat enhancement required due to mitigate the impacts of the development.

2.3 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application as one for approval of reserved matters, the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

3) Planning Obligations and conditions and informatives

3.1 S106 Obligations

No agreement is needed in connection with this application because the outline is accompanied by a site-wide section 106 agreement.

3.2 Conditions (see Appendix 1 for full wording)

- 1) In accordance with the approved plans and documents
- 2) Plan to set out the specification and phasing of the path
- 3) Tree protection measures to be implemented
- 4) Additional Tree Planting within the SUDS and Rag Hill area
- 5) Specification for bird boxes, log piles and hibernacula to be submitted
- 6) Public Rights of Way protection

3.3 Informatives (see Appendix 1 for full wording)

- 1) Working together
- 2) Public Rights of Way
- 3) Utilities protection measures

4) Proposed development, Site and Surroundings

Details of proposal

- 4.1 This Phase 1 Green Infrastructure (GI) application seeks to deliver the following design principles:
- protection and preservation of the Back Stream floodplain whilst integrating sustainable surface water drainage to manage runoff from Phase 1 and future development,
 - ensuring safe custody of existing natural landscape assets through retention of trees and hedgerows,
 - delivery of a tree planting belt along the Rag Hill ridge providing biodiversity linkages and visual screening,
 - establishment of GI corridors which provide movement linkages and connect to destination parks.
- 4.2 The application also includes a Development Phasing Plan as required by Condition 03 of the outline.
- 4.3 The application red-line representing Phase 1 of the development is in three parts:

- the long linear area of ecological buffer planting on the northern edge of the Staplegrove West site ‘the northern buffer’ – here will be largely planting, inclusive of a bat house, and an informal footpath;
- a small isolated area adjacent to Staplegrove Road where the overhead wires that extend across the site from the north will be buried up to. Two existing pylons will become termination towers, to the east of the proposed access road. Within this parcel there will be planting; and
- lastly a separate and distinct field to the west of Mill Lane ‘the Mill Lane Field’ – here will be a surface water detention basin created that gathers water from filter drains in the Phase 1 area and will in future take surface water for the wider development, hold it and then release it into the Back Stream.

Site and surroundings

- 4.4 The application site is located to the north of Taunton, forming part of the outer northern edge to the allocated site known as Staplegrove.
- 4.5 The ‘northern buffer’ area currently comprises existing hedged and treed boundaries to several fields and is crossed by 2 Public Rights of Way and Rectory Road. There is one isolated property located on Rectory Road adjacent to the proposed buffer. The ‘Mill Lane field’ is bordered and accessed by Mill Lane to the east, the Back Stream to the west and Staplegrove Road to the south. A cluster of properties accessed via Mill Lane are located to the north. The ‘termination towers parcel’ is located high above Staplegrove Road behind a planted boundary and borders a cluster of properties located to the east.
- 4.6 Part of the site is included in and the rest adjoins the Rag Hill Special Landscape Feature designation. It is said *“The gently sloping escarpment significantly ‘hides’ the built up areas of Staplegrove village as seen from the Vale of Taunton and the higher ground of the Quantock Hills to the north. Although the area is generally degraded by three major power lines the underlying landscape is still an important feature within the local landscape”*.
- 4.7 Part of ‘the Mill Lane field’ is located in Flood Zone 3 which is deemed to be the most at risk land of flooding from rivers. This will be discussed in more detail later in the report.
- 4.8 No part of the application site is within a Conservation Area, nor does it contain any Listed Buildings. The Staplegrove Conservation Area does come within close proximity of ‘the termination towers parcel’. However, there are listed buildings in the wider vicinity, including Staplegrove Lodge, located off Mill Lane (Grade II) and Staplegrove House (and Gates and Piers thereto), located off Staplegrove Road (Grade II)
- 4.9 There are Tree Preservation Orders evident. The ‘Mill Lane field’ has protected Horse Chestnut and Oak tree around its edges (TD561), whilst the ‘northern buffer area’ has a number of protected oaks (TD1072) and some

other oak, poplar and apple trees subject to a much wider TPO record TD1073.

- 4.10 As mentioned, a couple Public Rights of Way cross the northern buffer. These are T24/15, which links Manor Road to the south with Dodhill Road to the north, whilst further to the west T24/6 links Manor Road (near the Church) to the south with Langford Lane to the north. T24/6 is also part of the West Deane Way.
- 4.11 A medium pressure gas main crosses the 'Mill Lane field' connecting into a Gas Governor located just off site on the corner of Staplegrove Road and Mill Lane which will be redirected to allow construction of the detention basin. Another intermediate gas main runs from the Gas Governor north west across the north buffer and will similarly need to be adjusted to suit the development.
- 4.12 The northern buffer area will also provide a corridor for the existing 132kV powerlines to be undergrounded as part of the wider site works. The undergrounding of wires does not explicitly form part of this application. No planting other than wildflower planting will take place in this exclusion zone. Another line of 11V overhead wires cross the northern buffer and will be undergrounded in time.

5) Planning (and enforcement) history

Reference	Description	Decision	Date
34/16/0007 <i>'The Staplegrove West Outline Consent'</i>	Outline permission (with all matters reserved except for access) for a residential-led, mixed use urban extension to include up to 713 dwellings, 1 ha of employment land comprising use classes B1(a) (up to a maximum of 2500sqm), B1(b), B1(c), B2, B8 together with green infrastructure, landscaping, play areas, sustainable drainage systems (SUDS) and associated works. An internal spine road is proposed to connect the A358 Staplegrove Road and Taunton Road at land at Staplegrove (West), Taunton	Approval	15/04/2019
34/16/0014 <i>Staplegrove East</i>	Outline permission (with all matters reserved except for access) for the erection of up to 915 residential units, a primary school, 1 ha of employment land, local centre, open space including allotments and sports pitches, green infrastructure, landscaping, woodland planting, sustainable drainage systems and	Pending - Resolution to grant (Oct 2017)	

	associated works; including provision of an internal spine road to connect A358 Staplegrove Road to Kingston Road on land at Staplegrove (East), Taunton		
34/19/0035 <i>'Redrow'</i>	Application for approval of reserved matters following outline application 34/16/0007 for construction of a spine road with associated drainage system and infrastructure on land connecting Staplegrove Road and Kingston/Taunton Road, Taunton	Withdrawn	15/02/2022
34/19/0036 <i>'Redrow'</i>	Application for approval of reserved matters following outline application 34/16/0007 for the erection of 173 No. dwellings including affordable housing (use Class C3), northern ecological buffer, temporary vehicular access from Corkscrew Lane, associated section of spine road, public open space and associated drainage, infrastructure, parking and landscaping for Staplegrove West Phase 1A, located north of Manor Road, Staplegrove	Withdrawn	15/02/2022
34/21/0033 NMA	Application for a Non-Material amendment to application 34/16/0007 to vary Condition No. 03 (to remove the requirement for the first phase green infrastructure RMA to be accompanied by a Place-Making Strategy) and Condition No. 24 (to clarify that the first residential phase can be accessed via the temporary access, as opposed to the first phase of green infrastructure) on land at Staplegrove (West), Taunton	Approval	08/03/2022
34/21/0017 <i>Wetlands</i>	Formation of 2 No. integrated constructed wetlands (ICW) including associated plant, infrastructure, landscaping and on-site redistribution of materials on land off Langford Lane, Langford and land off Nailsborne Road, Nailsbourne	Resolution to grant (Sept 2022)	

6) Environmental Impact Assessment

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.

- 6.2 Then the Council must consider if the application is:
- i. a subsequent application in relation to Schedule 1 or Schedule 2 development
 - ii. has not been subject to a screening opinion and
 - iii. is not accompanied by an ES (under Reg 9 of the EIA regulations).
- 6.3 In this case the outline development proposal fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

7) Habitat Regulations Assessment

- 7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As Competent Authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed green infrastructure buffer, access, public open space, landscape and drainage works will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans and projects) pursuant to Regulation 63(1) of the Habitat Regulations 2017.
- 7.2 The site lies within the Hestercombe House SAC, relating to bats. The original outline application was accompanied by a Habitat Regulations Assessment. The Council as Competent Authority was content that the outline proposal would not have a significant effect on the European site (either alone or in combination with other plans and projects) pursuant to Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 if mitigation took place. The significant planting in the northern buffer is part of that mitigation and as such no new HRA is required.

8) Consultation and Representations

- 8.1 Statutory consultees (the submitted comments are available in full on the Council's website.
Date of Consultation: 1 April 2022
Date of revised consultation: Specific dialogue has been needed with some consultees.

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. All comments on original submission unless otherwise stated.

Statutory consultee	Comments	Officer comments
Natural England	<p><u><i>“No objection</i></u> <i>This Reserved Matters (RM) application follows on from an Outline permission for up to 713 dwellings. We understand that this RM application does not include any dwellings and would not enable the build out of the dwellings approved at Outline.</i></p> <p><u><i>Somerset Levels and Moors Ramsar Site</i></u> <i>The application site is within the fluvial catchment of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). The designated sites are considered to be in unfavourable condition or at risk due to high levels of phosphorus. If a development is identified as likely to add additional phosphorus to the catchment, planning permission should not be granted until a Habitats Regulation Assessment has been undertaken.</i></p> <p><u><i>Housing projects granted permission at the Outline application stage, prior to Natural England’s advice regarding the need for nutrient neutrality and HRA:</i></u> <i>We note that your authority has taken the view that RM applications for infrastructure, including green spaces/GI, for large housing allocations such as that at Staplegrove West can be approved in advance of further RM applications for dwellings. Natural England has no concerns in principle with that approach but we would advise your authority that you will need to be satisfied that RM applications for housing can and will deliver adequate mitigation to achieve nutrient neutrality and to ensure that there will be no adverse effect on the integrity of the Ramsar Site through a Habitats Regulations Assessment”.</i></p>	<p>This is discussed in Section 7.</p>
Environment Agency	<p><i>“The Environment Agency would have no objection to the proposal, in principle, providing there is no landscaping on land within Flood Zone 3 and the Suds ponds are located solely in</i></p>	<p>There is no new landscaping in FZ3 and the SUDS pond is</p>

	<i>Flood Zone 1, as indicated within the planning documents”.</i>	located in FZ1 – No further action.
Lead Local Flood Authority - SCC	<p>Acknowledgement that the application includes the approval of Condition 08 (surface water drainage scheme) from the outline consent.</p> <p><i>“LLFA comments on the above:</i></p> <ul style="list-style-type: none"> <i>a) The LLFA notes the preference to discharge to the A358 culverts and that the applicant is currently investigating the viability of this option. Confirmation of the appropriate right of discharge and any necessary improvements is required on the final strategy.</i> <i>b) The information submitted is acceptable.</i> <i>c) Please provide Confirmation on how the required 6m maintenance access strip is being provided.</i> <i>d) As per a), please provide any necessary information on the final strategy.</i> <i>e) The information submitted is acceptable subject to confirmation on the culverts as necessary.</i> <i>f) The information submitted is acceptable.</i> <i>g) The information submitted is acceptable.</i> <i>h) The proposed timescale for delivery should be confirmed.</i> <p><i>In summary, a number of the points on the condition have been addressed. However, the condition cannot be discharged until the final strategy for discharge has been detailed and demonstrated to be viable including any necessary approvals. Provision of the maintenance access will also be required as per point c)”</i></p>	<p>Information relating to points a), c), d), e) and h) has been received and sent to the LLFA.</p> <p>This relates to the discharge of Condition 08 of the Outline and so is not an impediment to approving this application.</p>
Highway Authority - SCC	<p>A summary of the highway comments is as follows:</p> <ul style="list-style-type: none"> a) It is recommended that the Public Rights of Way team is consulted, the scheme will affect two Public Footpath routes. b) Further information relating to the construction access strategy is requested. c) Before the surface drainage strategy can be approved, further work is required to determine whether the proposed discharge arrangements would be acceptable to the highway authority. <p>A final highways response to be provided following receipt of further information, and</p>	<p>The PROW team has been consulted.</p> <p>Information relating to points b) and c) has been sent to the HA/LLFA.</p> <p>The Construction Access Strategy is discussed as</p>

	<p>planning conditions to be recommended at that time.</p> <p>Further comments: <i>“Firstly, in terms of the PROWs that cross the site the applicant has responded stating that they have consulted with our Rights of Way colleagues and provided details of how the vegetation will be maintained through their Open Space Strategy and surface improvements will be secured through future S106 agreements. However, there is no evidence that my colleagues have accepted the response put forward by the applicant. As such I would recommend that the Rights of Way Team are consulted to make sure they are satisfied with what has been proposed.</i></p> <p><i>Turning to the construction access for the delivery of the scheme, our previous comments raised questions on how construction access will be provided as part of the scheme delivery as the submission shows the landscaping scheme being implemented in advance of the highway access arrangements. The applicant was required to clarify how safe access for construction activities will be achieved. In response the applicant has stated that Condition 9 of the O/L consent 34/16/0007 requires a Construction Environmental and Traffic Management Plan (CEMP) to be submitted and approved before any phase is commenced. It’s noted that this report is currently being developed by the applicant for this proposal. But as part of their response, they have provided details of what the principles will be based on. The applicant has stated that they can utilise existing field gate accesses along Rectory Road and Mill Lane. The Highway Authority has no objection to this in principle, but the applicant would be required to provide details in the CEMP on how these accesses will operate as well as the number of deliveries which would be expected as part of this process. It’s noted that larger vehicles will need to access Mill Lane for excavation works, having reviewed our GIS mapping PROW T24/7 terminates at the top of Mill Lane as such it is likely that pedestrians will use this route as such the applicant would be required to provide a suitable access into the field that provides good visibility along the Lane.</i></p>	<p>Para 11.19 onwards.</p> <p>PROW team comments indicate no objections.</p> <p>Await CEMP submission.</p>
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	<p><i>The applicant has stated that they have capacity to widen the access as the land is in their control to do so. In terms of the final point, I note the applicant's comment in relation to the amount of traffic which currently use the lane. Like the other points of access, the CEMP will need to provide details of the number of vehicles which will need to utilise the access, whilst it would also be prudent for delivery times to be set as well so that they do not conflict with the existing uses on Mill Lane.</i></p> <p><i>I note that the applicant makes references to the LLFA's response to the application in relation to the drainage strategy, as such I have taken the opportunity to review their latest comments and I note that they have stated that condition 8 of the O/L consent cannot be discharged until the final strategy for discharge has been detailed and demonstrated. I appreciate that the applicant wishes to take a simpler approach and not utilise the culverts under the A358, but before we can commit to this proposal the applicant would need to provide further details of this drainage strategy so that it can be checked and agreed with our drainage engineers.</i></p> <p><i>Regarding the drainage associated with the spine road, I would agree with the applicant that the requirements for the GI proposals would need to be factored into the detailed design of the road. This can be picked up through our ongoing meetings with the applicant on this matter".</i></p>	
<p>Staplegrove Parish Council</p>	<p><i>"Staplegrove Parish Council repeats its original objection made against 34/19/0035 and 0036 , in the strongest possible terms, to the currently proposed connection of the western end of the spine road to the A358 Staplegrove Road. No explanation has been forthcoming from the developer as to the advantages of this location nor has there been any justification from Somerset CC Highways Department as to why they thought that this was an acceptable solution. It is essential that the spine road should be a continuous link between Kingston Road and Silk Mills Lane and hence the obvious and very much the most desirable connection for the western end must be directly with Silk Mills. The connection here would be a simple traffic light controlled crossroad junction with the spine road and which would enable Mill Lane to</i></p>	<p>The position of the access to the Staplegrove site is not for determination as part of this application.</p>

	<i>join the spine road clear of the junction. It would also have the advantage of providing an easy exit for excavated material arising from the construction of the spine road higher up to the east of the junction. But more importantly it would also save the significant costs of the third suggested junction, together with its dangerous maximum inclined slope of the spine road's connection to that junction. On completion there would then be a circular route from Wellington Road round to Kingston Road, and beyond, to enable traffic to pass eastwards clear of the town centre".</i>	
Kingston St Mary Parish Council	<i>"Although fully supporting planning application 34/22/0011, the Parish Council requests that the proposed planting should contain more native species and be more substantial, thereby providing an effective ecological screen, in keeping with the size of the proposed Staplegrove West Development. The Parish Council also considers that the funding arrangements for maintaining the proposed ecological buffer should be agreed prior to this Planning Application being approved. It is considered inappropriate for Kingston St Mary residents to be responsible for any future ongoing costs arising from the proposed Staplegrove West Development".</i>	The mixture of species and the proposed size of trees is considered acceptable. Maintenance is addressed at Para 11.36 onwards.
Bishops Hull Parish Council	<i>"Resolved: Support the comments raised by Staplegrove Parish Council and enforce the need of a robust strategy to manage and maintain the open areas / ecological elements of the scheme well into the future. This should both mitigate against the loss of existing and increase native habitats".</i>	Maintenance is addressed at Para 11.36 onwards. A management plan has been submitted.

8.2 Non-Statutory Consultees

All comments on original submission unless otherwise stated.

Non-Statutory consultee	Comments	Officer comments
SWT Green Infrastructure Officer	<i>"Generally supportive with what is being proposed, I am writing here few comments – 1) I support the use of native species adjacent to the existing hedgerow and the 18m woodland buffer along the site's northern boundary. I also support</i>	2) Seating is discussed at Para 11.14. 3) Maintenance is addressed at

	<p><i>the use of taller trees species which will contribute to visual and light mitigation from (and to) the future development.</i></p> <p><i>2) The scheme connects to existing PROWs (PROW 24/6 and PROW 24/15). The existing PROWs interlink with the proposed pedestrian routes (in future phases) which creates a more comfortable network. At the specific areas where the north-south (the routes that comes from the neighbourhood and continuing to the countryside) interlinks with the east-west ecological buffer, I would suggest including benches and a sitting area and creating a place for people to stay. This is in addition to the future LEAP area that is proposed in the future phase.</i></p> <p><i>3) I support the proposed planting strategy the species and the provision of woodlands. I haven't seen management and an ongoing maintenance plan to secure a successful and long-lasting planted area.</i></p> <p><i>4) I would suggest further strengthening the identity of the different areas along the green buffer. This should be considered in relation to the future phases and development.</i></p> <p><i>5) The scheme drainage strategy proposes attenuation ponds on the east part of the development. Another attenuation pond is being proposed east of the future development. Rainwater is drained into the ponds using pipes. I would encourage considering a network of smaller filtration ponds to collect and clean runoff before it arrives to the large ponds on the east edge of the site. A number of SuDS elements could be integrated as part of the design rather than draining all the rainwater to larger attenuation ponds. I would also suggest considering planting specific filtration vegetation species within the larger attenuation ponds to clean the water”.</i></p>	<p>Para 11.19 onwards. A management plan has been submitted.</p> <p>4) This can be addressed as adjoining Reserved Matters applications come forward.</p> <p>5) The drainage strategy was established at the outline stage, although better use of integrated SUDs is being looked at across the wide site.</p>
<p>SWT Tree Officer</p>	<p><i>“I am generally in support of the proposed planting plans for this phase 1 northern buffer zone. We will need to see a detailed management strategy for the scheme, as</i></p>	<p>Maintenance is addressed at Para 11.36 onwards.</p>

	<p><i>well as the usual protection plans for existing trees and hedgerows where necessary. Regarding the ‘standard’ tree planting within the Suds areas, could we have more variety of native species – there’s a lot of Acer campestre currently proposed – could add species such as Alnus glutinosa or incana or Salix (willow) species. Within the Rag Hill pasture, just two or three oaks through the middle would be good, given plenty of space to become broad mature specimens. I think that the woodland planting drawing number 3 is missing some detail about the standard tree species on the plan?”</i></p>	<p>Management is considered at Para 11.9 onwards.</p> <p>Additional tree planting in the SUDs area and several more oaks will be conditioned.</p>
SCC Ecologist	<p><i>“Having reviewed the submitted information for the reserved matters application, I am happy that the proposed landscaping is in line with the recommendations from HRA completed at outline stage. However a LEMP will still be required in line with condition 14 of the outline in order to detail the management of these proposed habitats. In addition I would like to reiterate that conditions 15, 16, 17, 18, 19, 20 and 21 in regards to ecology are still outstanding and are still required to be discharged”</i></p>	<p>Noted.</p>
SW Heritage Trust	<p><i>“The applicant submitted an archaeological Written Scheme of Investigation for excavation in February 2020 in response to the requirements of Condition 6 of outline permission 34/16/0007. Therefore there are no archaeological issues associated with this reserved matter application and we have no objections to this proposal”.</i></p>	<p>No further action.</p>
SCC Rights of Way	<p><i>“I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that run through the site (public footpath T 24/6 and T 24/15) at the present time. Two trails, the West Deane Way and Channel to Channel, run along path T 24/6. We have no objections to the proposal, subject to the following:</i></p> <p><u><i>1. Specific Comments</i></u></p> <p><i>The proposed tree and shrub planting must not obstruct the legal lines of the PROWs. Surface improvements to the paths T 24/6 and T 24/15, and contributions to cope with an increase in future use, as well as the connecting path to the PROWs, should be</i></p>	<p>Informative note proposed.</p>

	<p><i>secured through a s106 agreement and can be technically approved under a s38 adoption agreement. In the event that there is not a s38 agreement, then a separate s278 agreement will be required</i></p> <p><u>2. General Comments</u></p> <p><i>Any proposed works must not encroach onto the width of the PROW”.</i></p> <p>Later comments – <i>“We are happy with these proposals assuming that the maintenance will be transferred to the management company/open space responsibility in future. For the areas that cross the footpaths, a surface improvement application to SCC Rights of Way Team will be required”.</i></p>	
Health and Safety Executive	The “ <i>development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development”.</i>	No further action.
National Grid	Presence of electricity lines – need to consult prior to works.	Informative note proposed.
Wales and West Utilities	Presence of gas mains – need to consult prior to works.	Informative note proposed.
Wessex Water	<p><i>“There is an existing private main crossing the site providing a public water supply from the A358 to Staplegrove Lodge and neighbouring properties. Appropriate easements from major planting or structures to be observed which will be subject to building regulations.</i></p> <p><i>If elements of the SuDS strategy are to be offered for adoption by Wessex Water the strategy will need to conform with Sewerage Sector Guidance and Wessex Water’s SuDS adoption guide”.</i></p>	Informative note imposed.

8.3 Local representation

8.3.1 This application was publicised by 90 letters of notification to neighbouring properties and site notices were displayed around the periphery of the site, at site entrances and on Public Rights of Way.

8.3.2 The consultation resulted in 5 representations, all raising objections or concerns.

Comment - Objection	Officer comment
Principle	

<p><i>“The Flora and Fauna are very important for wildlife habitat etc. and protecting the landscape for all concerned, and flooding is certainly a concern for everyone. This development should be reconsidered given the changes to our climate and views on habitat since this planning conception”.</i></p>	<p>The development benefits from outline consent.</p>
<p><i>“With the sheer number of houses recently built or under construction in and around Taunton I do not believe that a further development of the size of Staplegrove West and East is necessary”.</i></p>	<p>The development benefits from outline consent.</p>
<p>Motive</p>	
<p><i>“It is patently obvious that this application is only being put forward so that the ill-conceived Outline Planning Consent does not lapse, and so that the latest incarnation of a developer will obtain some greenwash...”</i></p>	<p>The submitted Reserved Matters application does have the effect of maintaining the outline consent as being able to be lawfully implemented.</p>
<p>Access</p>	
<p><i>“...we would suggest that the developer needs to provide detail of where the access is intended for the work involved in grounding of the Electricity supply and any other relating work. We are unaware of any agreement in the outline planning of access accept via a “drop down road” off Corkscrew Lane, which arguably is not suitable for the heavy machinery / transport required. Should this access be used, how would this machinery /transport, safely access the said site?</i></p>	<p>The Construction Access Strategy is discussed as Para 11.19 onwards.</p>
<p><i>“Manor Road in Staplegrove is already subject to traffic calming measures and Rectory Road is a narrow residential road with much on street parking and a bend with a high wall near the junction with Manor Road. It is unsuitable for construction traffic. The matter of access was highlighted as an area of concern and subject to much discussion with the original planning application and I understood that the only site access for construction traffic would be through the temporary access road near the old Village World site on Corkscrew Lane which would be reached from the Kingston Road end. The scale of the works required to put the electricity cabling underground will require large machinery and no doubt many deliveries to the site as well as site workers vehicles. Unless this construction traffic is able to access the site from the temporary</i></p>	<p>The Construction Access Strategy is discussed as Para 11.19 onwards.</p>

<p><i>access road as previously agreed for the original planning application, I believe this current application 34/22/0011 should be refused”.</i></p>	
<p><i>““The Northern Ecological Buffer” - Does this suggest that the Spine Road will be given higher priority? At various times over the past seven years – e.g. 'Public Consultation' in 2015 and Plans Committee in 2017 – everyone was assured that the Spine Road would be built first and no drop down road off the hazardous Corkscrew Lane would be needed. I strongly suspect the answer is “no”. Also if it is to be an ecological buffer shouldn't it be wider?”</i></p>	<p>The Outline Consent and accompanying s106 set out the delivery timescale for the spine road. This application does not seek to change that. In terms of the width of the buffer the extent of buffer required is set out by Condition 16 of the Outline Consent which this application meets. It is already shown at circa 18m wide.</p>
<p>Other matters</p>	
<p>There are no timescales for the planting to take place.</p>	<p>It is envisaged the planting will take place during a planting season over the next two years.</p>
<p><i>“Drainage – I believe that the large ponds envisaged could increase the risk of flooding. Since initial studies going back seven years much has changed. Climate change and localised flooding has increased. Sudden heavy rain is now much more frequent and with far fewer green fields to absorb the rain, I believe that further smaller networks of ponds would be needed to collect and clean water runoff”.</i></p>	<p>The EA nor the LLFA support the suggestion this application will increase the risk of flooding. The site wide drainage scheme will account for climate change and employ SUDs.</p>
<p><i>“...the planting scheme allows for some dwellings to be constructed between Whitmore Lane and the line of trees running north and south behind the old Village World premises. This is wrong as all of that land should form part of the Green Wedge in line with the previous recommendations for the extended Green Wedge from Taunton Deane Borough Council, dating back to 2012”.</i></p>	<p>This application does not seek to establish the extent of the Green Wedge. The approved Outline Consent includes an agreed Masterplan showing the extent of the Green Wedge.</p>

8.3.3 There were no letters of support received.

9) Relevant planning policies and guidance

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

with the Development Plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

- 9.2 Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66 and 72 are relevant in order to assess the impact on heritage assets.
- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation with a Structural Change Order for a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.
- 9.4 Relevant policies of the Development Plan in the assessment of this application are listed below.

Core Strategy 2012

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP7 - Infrastructure

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

ENV1 – Protection of trees, woodland, orchards and hedgerows

ENV2 – Tree Planting within new developments

ENV4 – Archaeology

ENV5 – Development in the vicinity of rivers and canals

Relevant Supplementary Planning Documents

None are applicable.

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

Neighbourhood Plans

There is no made Neighbourhood Plan for either Staplegrove or Kingston St Mary parish areas.

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
3. Decision-making
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

10) Local Finance Considerations

Community Infrastructure Levy

The application is for a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

11) Material Planning Considerations

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

- The principle of development
- Phasing
- Flooding and Drainage
- Landscape
- Ecology
- Transport and Highways
- Impact on Residential Properties
- Heritage and Archaeology
- Roles and Responsibilities

Principle of Development

11.2 At its centre this is a nature based low impact development which achieves multiple benefits, notably mitigation for the resident bat population from harm caused by the wider residential development to follow.

11.3 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the Development Plan as a whole. This needs to be done even if Development Plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should

determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

- 11.4 This application and the assessment of it is not an opportunity to reopen an assessment of the principle of the Staplegrave (West) development. As an application for Reserved Matters it draws on the framework and requirements established at the Outline stage.
- 11.5 The section 106 agreement which accompanies the Outline decision required a Public Open Space Strategy to be submitted to guide the design of all public green spaces. This has been submitted and has been subject of consultation with the local Parish Councils and SWT Ward Members. A revised version is now considered acceptable by Officers and is attached as Appendix 2. This application has been brought forward in accordance with the Public Open Space Strategy.
- 11.6 This report assesses the material considerations and representations before reaching a conclusion on adherence with the Development Plan as a whole.

Phasing

- 11.7 A phasing plan is required to be submitted with the first Reserved Matters application; such a plan has been submitted. This Reserved Matters application for green infrastructure is Phase 1 which has already been agreed with the Council. The proposed phasing plan shows changes from that envisaged at the Outline stage and so this requires further consideration. It was not and is not expected that the Phasing Plan be agreed as part of this application so that process will continue offline.

Flooding and Drainage

- 11.8 Policy CP8 understandably seeks to manage development in flood zones, but the development is largely planting and within Flood Zone 1. The proposed detention basin required excavation but is also located with Flood Zone 1 but is located adjacent to Flood Zone 3 and will ultimately discharge into the Back Stream.
- 11.9 Information has been submitted to satisfy LLFA/HA concerns. Initially some surface water was to be discharged to a highway culvert, but this has now been switched to discharge into the watercourse. Outline Condition 08 will need to be agreed before works start and so is not an impediment to approving this application.
- 11.10 It is considered the proposal complies with the National Planning Policy Framework (NPPF) and local planning policy CP8 with respect to flood risk and is an appropriate development at this location.

Landscape

- 11.11 The assessment of the impact of this development from a landscape perspective starts with understanding the baseline, the context and use of the current site. As a farmed, managed and man-made landscape the site presents a typical countryside scene, of improved grassland, large field patterns, hedged and treed boundaries with grazing dairy herds. The site is criss-crossed by lanes and rights of way which bring an element of public intrusion and visibility.
- 11.12 Part of the site is included in and the rest adjoins the Rag Hill Special Landscape feature designation. It is said *“The gently sloping escarpment significantly ‘hides’ the built up areas of Staplegrove village as seen from the Vale of Taunton and the higher ground of the Quantock Hills to the north. Although the area is generally degraded by three major power lines the underlying landscape is still an important feature within the local landscape”*. Within the designation at ‘Recommendations for Enhancement’ it states, *“good hedgerow management and encouragement of hedgerow trees would help maintain a more enclosed and intimate landscape”*. This proposal meets that objective.
- 11.13 With the provision of circa 7.8ha of habitat enhancement through hedge and tree planting it is felt CS Policy DM1, and SADMP Policies ENV1 (hedge and tree protection) and ENV2 (tree planting in new developments) will be met.
- 11.14 Whilst this will be a predominately landscaping scheme when first installed the area will in time become part of the public open space network within the residential development. It is not intended to allow any greater public access than already exists until that time, but the proposal allows for a path to be installed, subject to a phasing condition and future seating and viewpoint areas will be ratified once adjacent uses are known.

Ecology

- 11.15 Policy DM1 seeks to ensure proposals will not lead to harm to protected wildlife species or their habitats. The 7.8ha ‘Northern Buffer area’ of hedging and trees exists to provide mitigation for the local bat population situated at Hestercombe House. A new bat house will be constructed via Condition 17 of the Outline Consent. The creation of an 18m wide corridor will also create increased biodiversity for a number of species.
- 11.16 No additional HRA is required for this proposal within the Bat Consultation Zone relating to Hestercombe House, as referred to in Policy CP8, as this proposal is the mitigation for the assessed harm to the bat population undertaken at the Outline stage, see Para 7.2.

- 11.17 Outline Condition 14 requires a Landscape and Ecological Construction Method Statement to be agreed before works start. Outline Condition 17 requires a bat house to be to be constructed within 24 months of a start on site. Outline Condition 19 requires ecological monitoring of the whole site to be undertaken up to 12 months after the final residential occupation. Outline Condition 21 requires external lighting to safeguard biodiversity, although no lightning is proposed in this phase.
- 11.18 The Council published an update to its Interim Guidance Statement on Planning for the Climate Emergency in March 2022. It questions, via an embedded checklist, whether the development responds to the ecological emergency by protecting and enhancing ecology, whether it acts as a carbon store, whether it uses sustainable materials and whether it mitigates flood risk. Whilst the guidance, and questions, were not written specifically with his development type in mind it is considered the proposal is positive on all of these aspects and this is further ratified by the comments of the statutory consultees.

Transport and Highways

- 11.19 The proposal will not attract traffic movements initially given it is to serve a future development and will not be opened to the public beforehand. The transport considerations largely therefore revolve around the implementation period.
- 11.20 The Outline consent (Condition 09) requires a Construction Environmental Management Plan (CEMP) to be agreed for each phase prior to works on that phase. The Outline consent was approved on the basis that all construction traffic is to access the site via a drop-down road off Corkscrew Lane and via internal haul road thereon. Outline Condition 32 requires all construction vehicles leaving the site to be in such a condition as to not transfer mud etc onto the highway.
- 11.21 When viewed in isolation this application is for planting and very specific groundwork, predominantly in the 'Mill Lane field' which is separated from the main site, situated as it is on the west side of Mill Lane.
- 11.22 If the Council wishes the planting to be undertaken sooner rather than later then it may be considered reasonable to allow other specific points of access mindful that the level and nature of traffic is envisaged to be appropriate for the nature of the lanes/roads that would be used. Otherwise the implementation of this scheme will have to wait for the full haul road to be constructed.

- 11.23 Paragraph 111 of the National Policy Framework states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”, and it is considered this proposal, in terms of the traffic impacts would not reach that trigger.
- 11.24 Whilst all these conditions can be considered offline, by officers and consultees, and need not impede the approval of this application the specific points of access to implement this phase is of interest now to local residents.
- 11.25 Concerns have been expressed regarding the potential for local roads to be used and how they may be impacted by ‘construction’ traffic. It will need to be decided whether the one-off delivery and collection of heavy earth moving equipment, and the fact other agricultural/delivery vehicles would continue to use the same routes throughout the construction phase are reasons to require the developer to construct the drop-down road and create a haul road to undertake this specific work and any concession is carefully worded so as not to imply suitability for the future traffic associated with a residential parcel for example. If other access points are not deemed suitable for this specific application then the haul road would need to cross Rectory Road and Mill Lane, plus a right of way to reach the ‘Mill Lane Field’ in any case.
- 11.26 The applicant is drawing up a CEMP to demonstrate how these access points could be used to serve this application, until that is submitted and considered it is not felt appropriate to discharge Condition 09 but that doesn’t stop this application being approved, with those safeguards in place.

Impact to Adjacent Residential Properties

- 11.27 In this regard the principle issue relates to any impacts during the construction phase. When completed it is not envisaged any routine maintenance tasks will cause undue disturbance.
- 11.28 Some noise is likely from the delivery, operation and collection of heavy earth moving equipment during the construction period. Two important points to consider are part of the site is adjacent to the very busy and noisy A358 and the remainder is a working landscape, and as such the operation and movement of agricultural machinery is commonplace (and occurs without planning control). As such this assessment has been made against that context.
- 11.29 Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with.

- 11.30 The enforcement of any future CEMP is somewhat complicated by the fact this is a working farm and therefore there will be at times activity that is associated with that which may cause harm and will not be 'caught' by the CEMP. Working hours, vehicle routes and task assignment may become hard to differentiate and lead to a challenge to provide suitable enforcement capacity to police.
- 11.31 It is considered given the nature of the proposal that potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment will not occur.

Heritage and Archaeology

- 11.32 The General Duty on the LPA in its exercise of planning functions with respect to listed buildings is set out under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the case of s66 the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and in the case of s72 a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings. Paragraphs 189-208 of the NPPF set out the policy guidance for the enhancement and conservation of the historic environment.
- 11.33 Neither application site is within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity. In this case the main consideration is regarding the setting of those assets. Staplegrove Lodge is the closest to the proposed excavated detention basin in the 'Mill Lane field'. The likely attenuation feature was tested at the Outline Stage and found to be acceptable. Whilst there will be a short-term impact during and immediately after construction, the general open view will be maintained and enhanced with more planting. This area also falls with the Rag Hill SLF and near to a Flood Zone and so isn't appropriate for residential development.
- 11.34 Given the nature of the proposal, the wider farmed landscape and intervisibility these heritage assets are unlikely to be adversely impacted by the proposal. This view has been reached mindful of the Historic England's advice contained in 'The Setting of Heritage Assets' (2017).
- 11.35 With respect to archaeology, the wider site has some potential and so a Written Scheme of Investigation (WSI) was conditioned as part of the Outline Consent. SADMP policy ENV4 is relevant. Outline Condition 06 will need to be agreed before works start.

Roles and Responsibilities

- 11.36 The issue of management and maintenance requires assessment and revolves around three main questions – who has the ultimate responsibility to maintain the planting and basin, who pays for the ongoing maintenance and what is the maintenance that needs to take place?
- 11.37 Who pays for the ongoing maintenance? Given the surface water drainage scheme and landscape planting will mitigate impacts caused by and provide public open space for the Staplegrove (West) development the costs and responsibility for ongoing maintenance will be borne by a management company which will be financed via a charge to new properties within the Staplegrove (West) development. This long-term funding model will only change if the current SWT work on Stewardship elicits a different funding model. The initial planting and set-up costs plus initial management, until there are sufficient new properties to pay, will rest with the landowner/developer.
- 11.38 Given this linkage there is less reason to be fearful about the future management company or landowning company ‘going bust’ or getting wound up, leaving the responsibility for maintenance unclear or with a Parish Council, community interest company or lands trust.
- 11.39 It is worth noting that at present all POS, attenuation basins, play areas and the community hall to be provided at Staplegrove will also likely be managed by the same Management Company in all likelihood, and so the default concern is actually a much wider issue at Staplegrove and in the town more widely than just this proposal.
- 11.40 Finally it is of course evident that the site contains significant hedging and many mature trees and the site is criss-crossed by public rights of way which appear to be already well managed and maintained.
- 11.41 What is the maintenance that needs to take place? The scheme is such that little day-to-day management is required. The planting will require supervision after planting and the basin will be monitored for performance and then will be managed as per the other existing landscape features, hedges and trees by the landowner/developer and then a more detailed plan of weekly, monthly, annual tasks will be established by the Management Company or other such arrangement as may be put in place.

12) Planning Balance and Conclusion

- 12.1 The creation of the proposed surface water attenuation and northern buffer planting is entirely consistent with the Outline Consent granted in 2019.

- 12.2 The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.
- 12.3 It is considered that the application accords with the Development Plan when taken as a whole, with any residual concerns able to be mitigated by condition on this application or via existing safeguards via conditions imposed on the Outline Consent alongside its signed s106. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1 and the prior signing of a legal agreement.
- 12.4 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

1. The development hereby permitted shall be carried out in accordance with the plans and documents
 DrNo. 21-056-100 RevA Site Location Plan
 DrNo. 21-45-PL-201 RevE Northern Buffer Woodland Planting (1of3)
 DrNo. 21-45-PL-202 RevD Northern Buffer Woodland Planting (2of3)
 DrNo. 21-45-PL-203 RevE Northern Buffer Woodland Planting (3of3)
 Phase 1 Masterplan and Design Guide, Dated 29 March 2022
 Ecological Statement, ead Ecology, Dated 28 March 2022
 Arboricultural Survey, Impact Assessment and Protection Plan, mhp, ref 22013 V3, Dated 29 March 2022
 Surface Water Drainage Technical Summary, Stantec, Rev F, Dated 28 March 2022
 Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to the commencement of development, a plan detailing the specification and installation phasing of the informal path shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing and specification plan. Reason: To ensure that the future public use of the site is afforded suitable pedestrian infrastructure.

3. The tree protection measures set out in the Arboricultural Survey, Impact Assessment and Protection Plan, mhp, ref 22013 V3, Dated 29 March 2022 shall be fully implemented prior to the commencement of any works and maintained throughout the construction phase. Reason: To safeguard tree and hedgerows in accordance with Policy ENV1 of the SADMP.

4. Prior to the commencement of works revised plans showing additional trees within the SUDs and Rag Hill area as described in the email form Origin3 dated 21 October 2022 shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed plans. Reason: To encourage a greater coverage of tree planting to accord with Policy ENV2 of the SADMP.

5. In accordance with the Phase 1 Masterplan and Design Guide a specification for bird boxes, log piles and hibernacula shall be submitted to the Local Planning Authority with installation to take place in accordance with a timescale agreed in writing with the Local Planning Authority prior to commencement of development. Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.
6. No development hereby approved shall interfere with or compromise the use of the public rights of way unless previously agreed. Details of the location and treatments of any construction traffic crossing points over the PROWs shall be submitted to and approved by the Local Planning Authority prior to any works taking place and thereon the development shall be carried out in accordance with such approved details. Reason: To ensure the use of PROWs is not compromised during the course of the development.

Notes

1. In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. The comments of the SCC Rights of Way Team, dated 21/06/2022, should be reviewed. The SCC Rights of Way Team should be contacted regarding a temporary path closure and for surfacing authorisation prior to any works commencing (email scresswell@somerset.gov.uk). Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. The applicant is advised to contact Wessex Water, Wales and West Utilities and National Grid prior to any works commencing to agree rerouting of services and/or any protection measures relating to utilities crossing the site.

Appendix 2 – Proposed Public Open Space Strategy

Staplegrove West

Public Open Space Strategy

for Somerset West and Taunton Council

Staplegrove West			Document Ref: 21-45-CR01	
Revisions				
Revision	Date	Description	Prepared	Approved
0	03/02/2022	Document created	JS	JBG
A	16/03/2022	Client Comments	JS	JBG
B	18/05/2022	SWT Comments	JS	DRAFT
C	26/05/2022	SWT Comments	JS	JBG
D	28/09/2022	SWT/Parish Council Comments	JS	JBG

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1 : Introduction

2 : Summary Strategic Landscape/POS Objectives

3 : Landscape Maintenance Regime/Management Objectives

4 : Landscape Management Operations

5 : Post Construction Management Actions

6 : Roles and Responsibilities

1: Introduction

The Staplegrove West Development (Application No. 34/16/0007) was granted Outline planning approval by Somerset West and Taunton Council (SWT) in April 2019.

As part of the accompanying Section 106 Agreement, SWT require the submission of a Public Open Space Strategy.

The Section 106 agreement defines Public Open Space as:

'the open space including woodland planting and SuDS to be provided on the Site pursuant to the Public Open Space Strategy and Reserved Matters Approvals'

The agreement goes on to define the Public Open Space Strategy as:

'an overarching landscape strategy for the Development (to be generally in accordance with the Parameters Plan 5 - Landscape Strategy (Drawing Number 604 Rev M) submitted as part of the Planning Application and identifying inter alia strategic areas of planting, open space, meadow and woodland planting and species to be used, the number of LEAPs and NEAPs and location of the LEAPs and NEAPs to be submitted for approval to the Borough Council in accordance with Paragraph 1.1 of this schedule, the works specification for the laying out of the Public Open Space and the proposed timing of provision of the same (to be generally in accordance with the Parameter Plan 6 Indicative Phasing Plan Drawing Number 605 Rev L)'

Paragraph 1.1 of the Section 106 agreement sets out the requirement for the following;

1.1 Not to submit applications for Reserved Matters Approval until they have submitted to and received approval from the Borough Council:

1.1.1 for the Public Open Space PROVIDE THAT if the Public Open Space Strategy is not approved or refused by the Borough Council within 30 working days of submission to them for approval, ..then it shall be deemed approved

1.1.2 of a fully detailed regime to manage and maintain the Public Open Space "the Management Regime" and which identifies:

- i. The future management and maintenance requirements of the Public Open Space in perpetuity.*
- ii. The proposed ongoing maintenance operations for the Public Open Space, specifically identifying the management objective, task and the timing and frequency of the operation for all the features of the Public Open Space.*
- iii. The proposed means of ensuring access to the Public Open Space and use thereof by the public in perpetuity.*
- iv. A mechanism for the periodic review with the Borough Council and where necessary amendment of the Management Regime*

The Richards Partnership were commissioned to prepare a Public Open Space Strategy and Management Regime for the Staplegrove West development in line with SWT requirements.

This document sets out the overarching strategy for the wider site and should be read in conjunction with the Surface Water Strategy Technical Summary produced by Stantec.

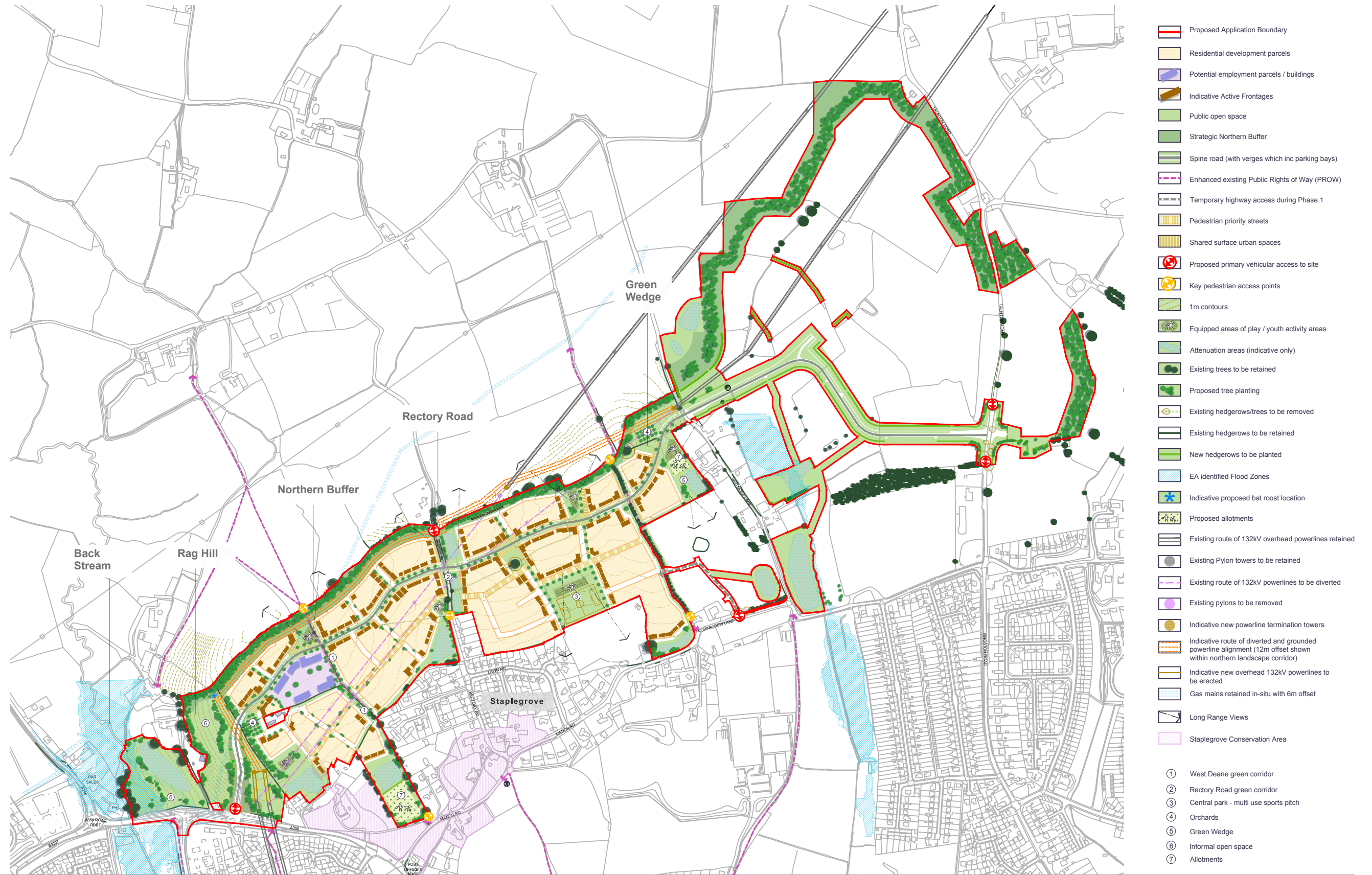
Detailed proposals and individual Landscape and Ecological Management Plans (LEMPs) will come forward with each Application for Reserved Matters Approval. As they are approved, each LEMP should be appended to this strategy and any targeted and/or general management recommendations deemed supplementary to those within this document included within the management operations and schedules contained with Sections 4 & 5.

Appendix 3 of this document sets out a short summarised checklist of the strategic landscape and POS objectives for Staplegrove West. Each application for reserved matters approval should be considered against this checklist.

The consented masterplan for Staplegrove West included a quantum of 11.09 ha public open space. The Public Open Space Strategy (POS) was based upon Taunton Dean Borough Council's policy requirement at the time and the POS equated to 28% of the overall Staplegrove West development. Although not counted towards the POS provision, the northern green buffer and attenuation areas will also function as usable open space.

It is acknowledged that the site is located within a nationally designated Garden Town. As such, any proposed development will be required to demonstrate accordance with the associated Garden Town principles.

It is also acknowledged that the Section 106 Agreement requires that all Reserved Matters applications will be accompanied by a Place-making Strategy (Condition 3), Neighbourhood Masterplan and Design Guide for the Neighbourhood Area (Condition 4) and Landscape and Ecological Management Plan (Condition 14).



2: Summary of Strategic Landscape/Public Open Space Objectives (Refer Consented Parameters Plan 5)

The development's Public Open Space (POS) provision and categories are defined on the consented Landscape Strategy parameter plan as shown opposite.

In developing the Landscape Strategy for Staplegrove West, an overarching objective has been to ensure the new neighbourhood is delivered in a way which responds to the setting of the site and recognises the site's role in defining a new urban edge for Staplegrove.

The landscape structure has therefore developed as a network of linked open spaces and green infrastructure (GI) corridors which stretch across the site and provide the following key features;

- A robust tree planting belt and POS corridor along the site's northern boundary providing visual screening and protecting the attractive views from the Quantock Hills AONB towards the site, and from the site to the AONB.
- Biodiversity linkages, and a fully accessible and continuous POS corridor along the northern boundary, featuring an informal pathway and nodal 'pocket parks' which provide and protect publicly accessible views toward the Quantocks.
- Strong north-south GI corridors which contain PROWs and form linkages with the northern boundary corridor, creating numerous attractive and fully accessible connections between the open countryside, the new neighbourhood and existing Staplegrove.
- Retention of open space across Rag Hill and along the Back Stream Corridor protecting views on approach to Staplegrove and providing informal public access.
- Provision of a publicly accessible 'Green Wedge' between Staplegrove West and East.
- Provision of attractive and overlooked pedestrian and cycle routes across the site linking to key open spaces, LEAPs, NEAPs and allotments.

This green network of interconnected spaces will provide landscape structure, biodiversity linkages, visual screening, integrated drainage features and above all an attractive and healthy setting for the new neighbourhood.

The following section identifies Staplegrove West's strategic network of GI and open space provision and outlines the overarching usage aspirations and long term objectives for each strategic area.

As a general long term principle, all areas of POS and strategic planting across the site will be designed and managed as ecologically diverse, attractive, robust and fully accessible assets which will ensure the new community adopts and uses these spaces as intended. The linked nature of the POS and GI infrastructure, including the shared pedestrian cycleway along the spine road, will be maintained and protected in perpetuity in order to sustain the green network as set out in the consented masterplan.

All visual and ecological mitigation planting will be detailed and specified utilising the species selection developed for the northern buffer planting in consultation with Somerset County Council's ecologist and which comprises locally prevalent native species which will establish and respond to the wider setting. (Refer Appendix 1). This principle will also extend to the north-south landscape corridors.

All built form, surfacing, boundary details, street furniture and play equipment will be fit for purpose, sourced from reputable manufacturers and selected for strong sustainability credentials.

Long term management must ensure the diverse nature and landscape character as originally set out in the approved Landscape, Land Budget and Movement Parameter Plans is maintained and that the proposed function or multi-functions as set out, whether it be active recreation, visual mitigation, habitat provision or GI linkage is sustained. Responsiveness to change, both social and environmental, must ensure continued compliance with the original parameter plans.

All detail designs which come forward with Reserved Matters applications, should encompass best practice guidance on the creation of sustainable, inclusive environments including all current and emerging local guidance.

1. Green Infrastructure Corridors

These GI corridors perform many roles including ecological/landscape mitigation, place-making, SuDS, creation of landscape structure and biodiversity linkages, connecting accessible movement routes (including PROW's), and provision of opportunities for formal/informal recreation provision. Although these corridors must work in conjunction with, and respond to, their new surrounding neighborhoods, the predominant ongoing objective will be to enhance biodiversity.

Each Reserved Matters application must consider this key objective in the development of the detailed design for GI corridors, including the provision of sensitive lighting solutions and achieving an acceptable balance between natural surveillance within the new neighbourhoods and promoting landscape features of biodiversity value. It is anticipated that these corridors will vary in width from 10 to 30 metres.

Northern Boundary Strategic Landscape Buffer

This continuous wooded corridor will provide a visual buffer between the new housing and the open landscape to the north and also deliver additional bat foraging habitat as an extension to the Hestercombe SAC. It will also enhance landscape structure and biodiversity linkages by providing woodland edge, wildflower margins, amenity grassland and an accessible continuous footpath running the length of the buffer and linking into pocket parks and housing areas. Informal seating, wayfaring and natural play elements will be set close to the path and adjacent to wildflower meadows. Placement of occasional fruiting trees along the path will also aid legibility and encourage fruit picking.

The northern landscape buffer connects into all north/south corridors to provide an integrated provision of movement and biodiversity linkages. All key nodal interfaces will serve as landmarks and legibility markers will be provided at these points to aid navigation across the wider site and encourage usage.

The form of the woodland belt, including planting structure and a varied micro climatic/scalloped woodland edge was agreed with the County Ecologist and should be delivered through Reserved Matters applications.

Management objectives for the northern buffer must support the establishment of a dense, multi-layered woodland belt with an ecologically diverse edge. In 'pocket park' locations high canopy trees will be managed to achieve continuous tree canopy whilst retaining views beneath the trees to the Quantocks. A 'natural' landscape character should evolve whilst ensuring natural surveillance is achieved. Management should be 'low key' with the existence of small pockets of fruiting brambles along the footpath considered valuable.

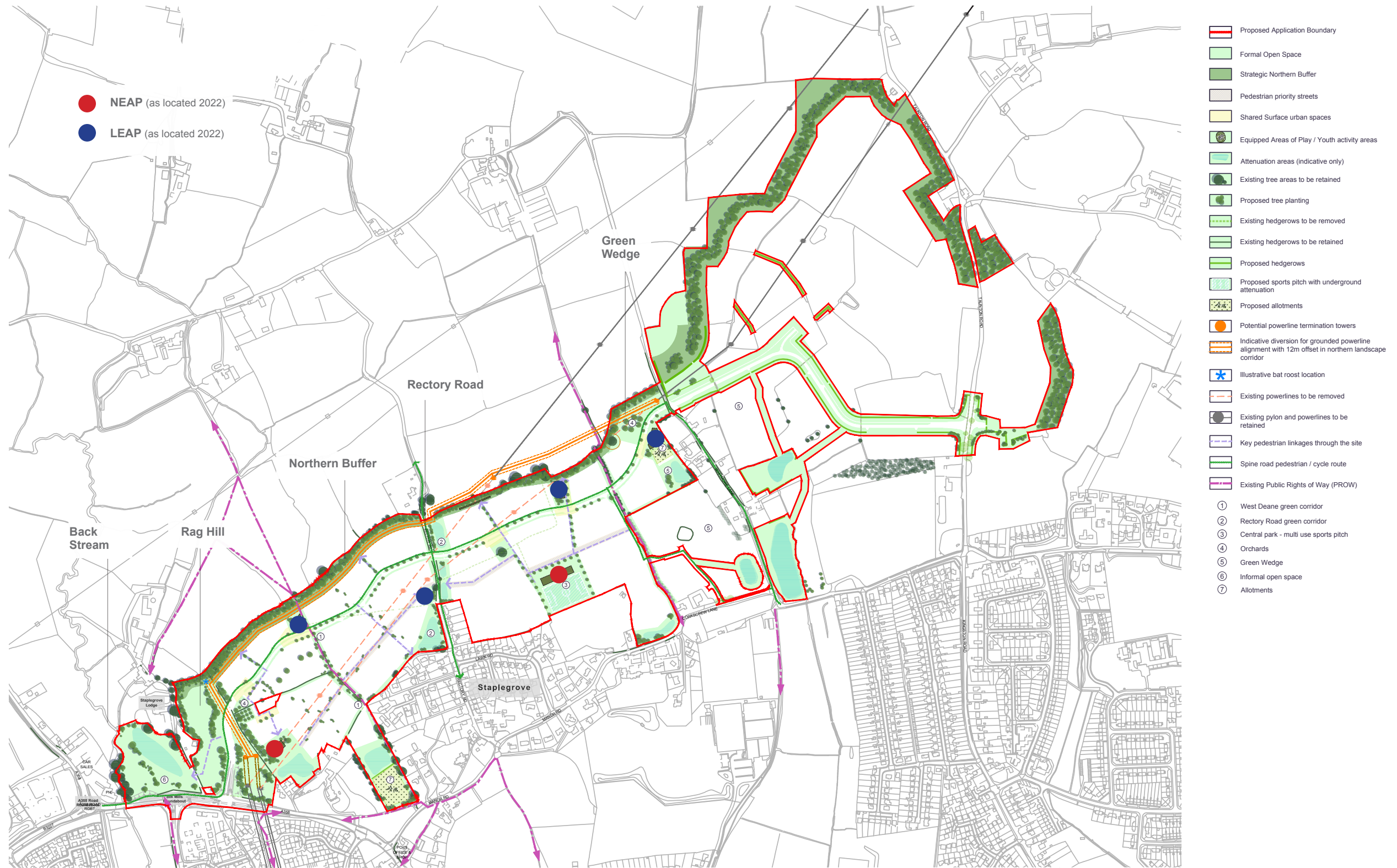
North/South Corridors.

These predominantly native tree/hedge corridors form key movement and biodiversity linkages connecting both the new neighbourhood and existing Staplegrove with the open countryside to the north. As established landscape features with public rights of way running through, they will make a strong contribution to the development, providing mature landscape character and amenity from the outset.

The West Deane Way corridor will contain a SuDS feature which will be designed to integrate with the immediate landscape character. The North/South corridors also form key pedestrian gateway points between the new housing and existing Staplegrove. These entrance areas should therefore be considered appropriately.

Management objectives must ensure that ecological assets are protected, new landscape features thrive and that corridors respond to the new setting eg. hedges maintained to retain natural surveillance where desirable so that the footpath routes are welcoming and fully usable. Beyond Hillhead Cottages, Rectory Road is subject to a stopping up Traffic Order and will be managed as a pedestrian/cycle route.

Consented Parameters Plan 5 : Landscape Strategy Dwg No. 604 Rev M (Origin 3)



2. Key Open Spaces

These focal points provide opportunity for formal and informal recreation and deliver a diverse range of amenity grassland, meadows, permanent water bodies, dry rainwater attenuation features, pockets of ornamental planting, allotments and natural features eg. watercourses.

Management objectives for all key open spaces will be to maintain a diverse landscape character and to sustain spaces which are attractive, bio-diverse, fully accessible, welcoming and tolerant of regular use.

Each Reserved Matters application must consider these key objectives in the development of detailed designs for open spaces within all phases.

Rag Hill/Western Buffer/Back Stream Corridor

The western buffer zone will include narrow belts of native woodland planting alongside the new access road to provide structure and filter views of the road from the A385. A new hedge will follow the edge of the planting and tie back into existing hedges. The remainder of the Rag Hill slopes will be managed as open meadow incorporating informal paths. To encourage wider use of the GI network.

A proposed rainwater attenuation basin within the back stream corridor has been designed as an integrated landscape feature which will be fully usable when dry. A level pathway has been created to the east of the basin which will promote public access and overlooking. The basin itself will be augmented/naturalised with tree grouping and 'scrapes' to enable and support the establishment of a range of wetland/ marginal species. (Refer Rainwater Attenuation Basins for further details on objectives).

Northern Boundary Pocket Parks

Pocket parks along the northern buffer will provide formal/informal recreational space & safeguard viewpoints to the Quantocks. Each equipped area of play will provide a safe, stimulating and attractive environment with formal play equipment/seating/litter bins. (Refer to Equipped Areas of Play for further details on objectives). Seating will also be provided to enjoy the panoramic views to the north. Trees will provide structure/shade and considered amenity planting will provide seasonal interest and value for pollinators. Signposting to the wider POS framework will be provided.

Management objectives will be to maintain attractive, safe and fully accessible and usable assets with regular safety inspections. Fencing/gates would be introduced for LAPs and along boundaries close to the Spine Road. These should be well maintained.

Green Wedge Open Space

The Green Wedge marks a separation between the east and west development sites. The northern woodland belt will be locally widened at this location to create a publicly accessible informal open space with a predominantly natural 'parkland' character. Native structure planting, wildflower meadow margins and 'parkland' species tree planting will be introduced. A LEAP, Community Garden and allotment will also be provided.

Central Park

Two main Neighbourhood Equipped Areas for Play (NEAP) will be provided across the development in accordance with the Section 106 Agreement Central Park will provide a multi-use sports pitch and a NEAP set within informal amenity grass. Wildflower meadow swathes, ornamental planting beds and groups of large 'parkland' trees will provide structure and character. Seating and occasional trim trail equipment will be provided.

Management objectives will be to retain a 'parkland' character with seasonal interest, biodiversity and accessibility maintained.

3. Pocket Open Spaces

These smaller spaces provide additional legibility across the site. They may be sited to retain existing GI assets such as mature Grade A trees.

Management objectives will be to maintain well kept areas of landscape structure and support biodiversity. 'Feature trees' would be allowed to mature true to form, and to support this, selective thinning maybe agreed with the LA as the landscape matures.

4. Rainwater Attenuation Basins

Staplegrave West will manage surface water run-off as part of the drainage strategy to ensure a responsible scheme which minimises its impacts. All drainage and SuDS systems will comply with current DEFRA SuDS standards.

Attenuation basins, rain-gardens and wetland areas will be designed as part of an integrated landscape as far as possible, with SuDS features considered part of the POS in terms of usage/opportunity. Basins, swales and wetlands will have 'natural' form where possible, including undulating banks, shelving to support marginal planting and tree planting to soften the visual extents of the basins. The attenuation basins will be sown with species rich wildflower meadow mixes which tolerate periodic flooding. Interpretation boards will provide information on the drainage function of the attenuation basins and the rich ecological value that they have.

Existing trees/GI assets will be protected and no earthworks will occur within their rooting zone.

Where overlooked the attenuation basins would be designed to be usable when dry, with gradients providing safe egress. Where not overlooked, means of safe egress would still be provided.

Refer to the Surface Water Strategy produced by Stantec, for further information and details on compliance with the CIRIA SuDS Manual, DEFRA's SuDS standards and Local Developer Guidance produced by Taunton Deane Borough Council.

Management objectives will be to provide usable spaces which blend into the wider area, make a positive contribution to their surroundings and are ecologically diverse with managed areas of marginals. Trees should be retained within these areas and not removed in future in order to assist mowing regimes.

Each Reserved Matters application must consider the objectives set out above in the development of detailed designs for rainwater attenuation basins. During each detail design phase the Principle Designer would consider the public safety elements of each individual basin designs and fencing would be provided where safe egress is not considered possible.

5. Equipped Areas of Play

Four LEAPs and two NEAPs will be provided within Staplegrave West, achieving walking distances and overall quantum areas as set out with the Section 106 agreement. (Refer location Pg.7). Minimum sizes for each provision will be as set out in current Fields in Trust guidance below;

- LEAP: 0.04ha with a minimum activity zone of 400SqM and a minimum 20 metre separation between activity zone and the habitat room facade of dwellings.
- NEAP: 0.1ha with a minimum activity zone of 1000SqM and a minimum 30 metre separation between activity zone and the boundary of the nearest property containing a dwelling.

Provision must also be in accordance with the quality guideline outlined in the FIT standard and current Local Authority guidelines on equipment provision.

Each equipped area of play will provide a stimulating, safe and attractive environment with play equipment, seating and litter bins provided. Trees will provide structure/shade and ornamental planting value for wildlife and pollinators, seasonal interest and opportunities to experience plant texture and smell. All LEAPs and NEAPs will be compliant with current national guidance on play space and mindful of Taunton Deane Play Strategy (2015-20).

The character of each equipped area of play should respond to the immediate setting of the individual LEAP/NEAP and enhance landscape structure and biodiversity. In some locations it may be appropriate to create additional informal play opportunities through the manipulation of local ground levels.

Connections with the site's wider GI network should be clearly waymarked in order to facilitate access to the wider site and countryside PROW network.

Management objectives will be to maintain attractive, safe and fully usable assets with regular safety inspections. Fencing/gates would be introduced for LAPs and along boundaries close to the Spine Road. All elements will be well maintained.

Each Reserved Matters application must consider the objectives set out above in the development of detailed designs for formal play areas.

6. Allotments

Allotments will include vehicular access for deliveries, set down space, secure boundaries and access to water. Boundary hedgerows must screen out low level clutter where necessary, whilst allowing in light and promoting overlooking for an increased sense of security.

Each Reserved Matters application must consider the setting and functionality of individual allotments in the detailed design. RM applications should ensure that the proposed allotments provide workable spaces which are fit for purpose and capable of adapting to growth and changing needs. It is anticipated that the allotments should have a minimum area as per guidance set out below. Overall allotment provision will be in accordance with the Section 106 Agreement and with regard to the National Allotment Society's guidance.

Management objectives would be to provide robust, accessible facilities, which foster community ownership and knowledge sharing. All built form, services etc should be kept in good working order with pathways kept clear and well drained. Guidance on hours of operation, plot usage, sheds/chickens/noise/bonfires/nuisance etc. would be as per SWT regulations.

7. Community Orchards

Fruit trees would be planted across the site both as orchard groupings and incidentally within green infrastructure corridors, reflecting the existing distribution of fruit trees within hedgerows. This will provide seasonal and community interest and help encourage the use of the wider green infrastructure network. Where small orchards are proposed, trees would be set with wildflower meadows for biodiversity/seasonal interest.

Each Reserved Matters application must consider the objectives set out above in the development of detailed designs for fruit tree placement and orchards.

8. Cycle Route

Provision of a connected cycle route is a key part of the GI proposals and contributes to the interconnected nature of the site-wide public open space. The cycle route will be LTN 1/20 compliant where appropriate, providing a coherent, safe, comfortable and attractive facility.

In each Reserved Matters application, the detail design would be set out to reflect the immediate surroundings eg. kerbs /signage only specified where necessary and surfacing appropriate to immediate surroundings. However, the route's surface will be uniform to aid legibility and in accordance with SWT regulations.

Management objectives would be to maintain good forward visibility and sound surfaces.

9. Streets

The proposed street hierarchy for Staplegrove West is set out on the approved Access Parameter Plan. The character of all streets will reflect their position in this hierarchy and also respond to local characteristics such as adjacent local public open space.

The street hierarchy will be supported by a corresponding tree and planting strategy which will strengthen the legibility of pedestrian and cycle movement routes across site, provide landscape structure, seasonal interest, shading and strong GI linkages and greening.

Through consultation with the local authority, it was agreed that the spine road should feature predominantly regular spacings of large species trees to provide cohesion, with occasional landmark or feature species trees set within local parks and incidental spaces to aid legibility. Native tree species will be grouped at points where North/South GI corridors interface with the spine road. It was also agreed that species grouping would be alternated along the wider spine road to provide greater resistance to disease.

Selected key 'Green Streets', which form linkages into existing GI assets and public realm spaces, would have more generous dimensions to allow the planting of large species native trees. These trees would be set within wider verges which may be managed as bio-diverse wildflower meadows or utilised as swales which would be sown with suitable wetland meadow species and augmented with marginal planting. A minimum offset of 6.5m should be allowed between Green Street trees and habitable windows.

Within the secondary roads, smaller species trees would be introduced in a more informal arrangement and in the lanes and mews, spacing of trees would be more incidental with a higher degree of smaller flowering trees introduced where space allows. Proposed shared spaces designed in lanes and mews would be enhanced with domestic scale ornamental planting to aid in traffic management.

Across the Staplegrove West development, all trees planted within a hard-surface should have planting medium volumes which are compatible with species/form and a minimum of 15 cubic metres. Where necessary tree planting crates would be installed in order to provide an optimum rooting volume for healthy tree growth.

Each Reserved Matters application must consider the objectives set out above in the development of detailed designed for street planting.

Management objectives will be to allow street trees to grow true to form and free of mutual suppression.

10. Public Art

Any Public Art proposals contained with future RM applications should accord with the overarching objectives for the area within which the public art is to be sited. For example, within the northern buffer zone any proposals should enhance the informal character, protect habitat value and potentially support bio-diversity knowledge.

Species and Works Specification

The Section 106 agreement also states that proposed planting species should be identified along with the works specification for the laying out of the Public Open Space. This information is provided in Appendix 1 & 2.

3 : Landscape Maintenance Regime / Management Objectives

In addition to the overarching strategic objectives described above, more detailed landscape management objectives for structural elements are set out below. These objectives are applicable across the development phases and would inform the detailed 'Management Regime' for the site.

The development will come forward in phases as shown on the Phasing Strategy (Page 9). Each Application for Reserved Matters Approval will be accompanied by a LEMP providing detailed management prescriptions specific to the application. This document would inform each LEMP.

Retained Vegetation

The management objectives for retained vegetation are as follows:

- To retain and enhance existing wildlife corridors.
- To maintain the health and ecological value of retained trees and mature tree groupings for their contribution to the 'established' nature the new development and visual softening across the site.

Existing Trees

- Retained existing trees would be managed in accordance with good Arboricultural Practice. Ongoing periodic inspections should be carried out in perpetuity in accordance with best arboricultural practice to ensure health and viability and management operations undertaken as advised.
- Subject to health and safety constraints and current Government guidance on disease, retained trees should be allowed to develop naturally as far as possible. The presence of dead wood/fungal growth should be viewed as a positive attribute and retained where health of tree and safety allows.
- Fallen trees should be cleared from watercourses/maintenance access routes and either retained as logs/habitat features or removed in accordance with the Surface Water Strategy Tech Summary.

Existing Hedges & Boundaries

- To ensure all retained hedgerows continue to form strong continuous and bio-diverse features providing structure for the development.
- All retained hedgerows would be trimmed annually in perpetuity to maintain heights as currently established except the following.
 - (i) Hedgerow to the eastern side of Rectory lane to be reduced in height to ensure overlooking along footpath link section.
 - (ii) Hedgerow along northern boundary to be 'sided up' for initial 5 years but allowed to grow up with the structure planting after this point.
- To maintain robust stock fencing as necessary

New Planting

The masterplan includes a variety of new planting including structure and hedgerow planting, street trees, residential amenity planting, pond and marginal plants and a range of grassland swards, including wildflower and wetland meadows. The management objectives are detailed as follows:

Native Woodland/Structure Planting

- To create and maintain native mixed species/age tree groups which provide a strong landscape feature, create additional wildlife habitat and mitigate for tree and hedgerow removal.
- To provide dense landscape buffers where identified and a significant woodland grouping along the northern boundary, filtering views of the housing and contributing to the landscape character of Staplegrove.

Spine Road Tree Planting

- To promote healthy tree growth along the spine road to establish mature tree coverage across the site.
- Care to ensure avenue trees develop balanced crowns/form.
- Large species feature trees, planted to aid legibility/landscape character should grow without suppression from adjacent trees.

Residential Amenity Tree and Shrub Planting

- To promote healthy tree growth and establish mature tree coverage.
- Particular care to ensure avenue trees develop balanced crowns and large species trees grow without suppression from adjacent trees.
- To establish healthy, weed & litter free shrub planting with sustained year round interest and varied character areas as designed.

New Hedgerows within POS

New native hedgerows within POS would be subject to cyclical inspection by a qualified arborist in accordance with LA requirements. Selective pruning in Years 1 & 3, subsequently managed in perpetuity to ensure overlooking is maintained where desirable for security and allowed to obtain heights no greater than 2.2m elsewhere.

- New ornamental hedges within POS and outside of private areas to be selectively pruned Years 1 & 3 and subsequently trimmed annually to 1.2m height and width maximum 1m to maintain structure.

All hedgerow management should be undertaken outside of bird nesting season (March to October inclusive), but extended if necessary in response to local conditions/temperatures.

Grassed Areas: Amenity, Wildflower Margin, Wetland , Pond Edge

Amenity Grassland

- To provide grassland swards which are drought resistant & tolerant of informal recreation, with margins managed as appropriate to promote a diverse wildflower sward with bulb planting where appropriate.

Wildflower Meadow Areas and Margins

- To create and maintain diverse ecological swards, with cutting timed to promote flowering whilst maintaining species diversity.
- To remove arisings to prevent nutrient level build up within the soil.
- To control the growth of invasive annuals and scrub.

Wetland Meadow Areas & Pond Edge

- To create/maintain permanently wet and ephemeral ponds promoting natural colonisation of submerged, emergent & marginal plant zones.
- To time management to maintain species diversity
- To remove arisings to prevent nutrient build up with the soil.
- To control the growth of invasive species.
- To maintain safe access points from SuDS basins, free from litter.
- To retain any water loving trees that are planted as part of the design and not to remove to aid mowing regimes.
- Keep SuDS inlets and outlets clear
- To maintain vegetation as necessary to allow the free flow of water within Back Stream
- Maintenance of the SuDS attenuation infrastructure would be in accordance with the Surface Water Strategy Technical Summaries submitted for each relevant development phase.

Public Rights of Way

- To maintain fully accessible footpaths free from weeds and physical obstruction and with legible signage denoting rights of way.

Play Areas

- To provide well maintained surfaces, site furniture, railings and gates free from weeds and physical obstruction.
- To maintain safety in conjunction with regular RoSPA inspections.

Health & Safety Checks

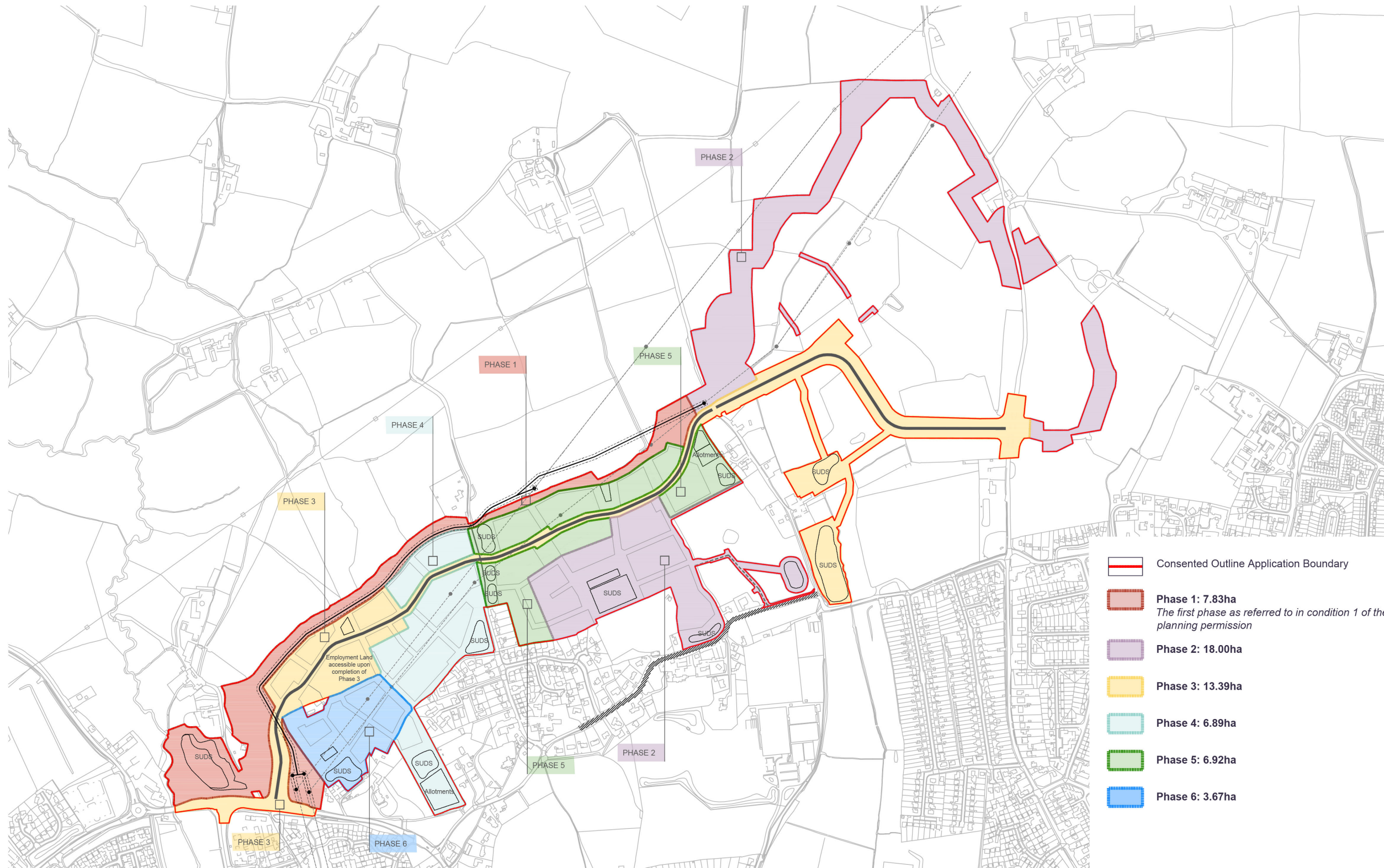
To carry out regular monitoring of public open space to ensure no risks to the general public, including, but not limited to, hard-surfaces, furniture play equipment, SuDS basins, inlets/outlets, planting etc.,

Monitoring

Some strategic objectives for the site, such as protection of biodiversity assets or maintenance of visual buffers, are long term aspirations and management will be relatively stable. For other elements, such as usage of open space, individual play areas or allotment provision, management may need to be responsive to the needs/aspirations of the community as it grows. Management may also need to adapt to changes that could arise through climate change or disease.

To this end, a monitoring process will be carried out by the Management Company's appointed consultant which will run alongside the Management Regime and feed back into the Management Plan. Any general issues would be recorded annually and maintenance techniques adjusted to rectify problems. Any SuDS specific issues would be fed back into the Surface Water Strategy Technical Summary report.

A broader periodic review of the overarching strategic objectives for the POS and Management Regime would be carried out between the Management Company and SWT at Years 5 and 10 and thereafter as agreed with Somerset West & Taunton Council.



4 : Landscape Management Regime / Operations

The following section sets out the management tasks that will be included in the maintenance programme for the Public Open Space.

Native Structure Planting

- During the establishment period, annual weeding should be carried out around new planting, 0.5m radius each tree. Localised manual weeding where possible. Additional spot treatment with an approved forestry herbicide e.g. creeping thistle. Care to avoid damage to trees themselves.
- Woodland to be managed to create a mixed species/age woodland. Selective pruning would be undertaken in Years 2, 5, 7 & 10 to promote growth & vigor.
- In Year 10 a management review to be undertaken to assess the need for thinning. Subsequently the woodland would be managed in perpetuity through a rotational coppice of under-story species to retain a multi-layered structure.
- Within the northern planting belt, the overarching landscape objective is to allow natural characteristics to develop as far as possible. Brambles and scrub should be allowed to establish in limited areas for their ecological value and fruit picking opportunities. However, annual management should be undertaken to ensure brambles do not spread and are contained to pockets which do not encroach on to the footpath, seating areas, natural play opportunities or viewpoints.

New tree planting within POS

- All new street tree and tree planting within POS areas would be managed to ensure the stock establishes, thrives and retains characteristics as designed. Early management and watering would be in accordance with construction contractual agreements.
- Trees should be subject to regular safety checks by an experienced arboriculturalist and management undertaken as advised. This should take place in years 1,2,3 and thereafter every 3 years.
- Annual weeding around new planting, 0.5m radius around each tree. Weeding to be by maintenance of mulch layer, strimming and/or chemical clearance using an approved forestry herbicide. Care to be taken to avoid damage to new trees.
- Check/re-adjust tree shelters, stakes and ties. Prune as appropriate for five years following planting. Shelters, stakes and ties to be removed when trees are stable/established, This should be by year 5.
- Undertake annual monitoring of newly planted trees each autumn for the first five years after planting and replace any dead trees the following winter. Following this management should be reactive to condition.
- For all building phases, an assessment should be carried out to consider all tree planting after 10 years and to assess whether any selective removal should be undertaken in order to allow feature trees or street trees to grow true to form without mutual suppression.

New hedgerow planting with POS

- All hedgerow planting with the POS would be managed to attract wildlife and to sustain and increase biodiversity.
- New hedgerows will be managed to heights and widths dependent on their immediate setting and generally to the same specification along the length of the hedgerow.
- Where appropriate within informal areas a 1-2m base of long grass to be left for increased biodiversity.

New ornamental planting within POS

- All new ornamental planting within POS would be managed to ensure stock establishes, thrives and retains characteristics as designed. Early management and watering would be in accordance with construction contractual agreements.
- Regular weeding around new planting to be carried out. Weeding to be by maintenance of mulch layer, strimming and/or chemical clearance using an approved herbicide. Care taken to avoid damage to new planting. After all planting has established, management should be reactive to condition in perpetuity and planting managed to ensure ongoing health and that weed growth is less than 5% of area.
- Pruning to be carried out annually according to species to promote health and vitality.
- Undertake annual monitoring of newly planted areas each autumn for the first five years after planting and replace any shrubs as necessary. Following this, management should be reactive to conditions and species.
- Many common landscape shrubs reach maturity in the medium term. In order to retain a vibrant contribution, their replacement should be considered periodically. In year 10 a management review should be undertaken to assess the need for replacement of any over-mature shrubs and to take account of any species which are not thriving due to unforeseen circumstances.

New herbaceous planting within POS

- All new herbaceous planting within POS would be managed to ensure the stock establishes, thrives and retains characteristics as designed. Early management and watering would be in accordance with tender documentation for implementation.
- Depending on species, seed heads should be left in place over the winter to continue to provide landscape and ecological value and removed in early spring.
- Where necessary, selective thinning should be undertaken periodically to ensure herbaceous species diversity is retained.
- Many common perennials can reach maturity in the medium term,

or spread across the planting bed. In order to retain an attractive/diverse planting a periodic view should be carried out. In year 10 an assessment should be carried out covering the need for replacement of any over-mature shrubs, or thinning or substitution to take account of any species which are not thriving due to unforeseen circumstances.

Grassland within POS

Amenity grassland

- The height of growth should not exceed 120 mm at any time. Cut as and when necessary to a height of 40 mm, using a rotary mower fitted with a steel roller and remove all arisings.
- Before each cut remove all litter and debris.
- At each cut, trim all grass edges round the base of trees, manholes, etc. taking precaution not to damage the tree trunks. Remove arisings. Sweep all adjoining hard areas clear of cuttings and remove.
- Keep the sward substantially free of broad leaved weeds by applying a suitable approved selective herbicide.
- Water as necessary to ensure a healthy sward.

Wildflower grassland mixes within POS and attenuation basins

- During first year after sowing undertake mowing to promote establishment as follows:
- Grassland should be cut at the same time as the amenity grassland (Section 5.1) to a height of between 100mm-150mm as per amenity grassland.
- Mowing may be undertaken using an appropriate mechanical mower, or using a brush-cutter / strimmer where access with larger machinery is not possible.
- Cut material must be removed and disposed of away from the grassland areas and sent for composting. Ideally, material should be cut and left on the ground for 2-3 days to allow seed and invertebrates to drop out, but it may be necessary to use a mower / collector for practical reasons.
- In subsequent years, cutting should be undertaken as follows: Cut 75% of grassland to 100mm in September each year on rotation.
- In all cases cut material must be removed. Cutting and collection methods should follow the guidance above.
- Weed and scrub control should be undertaken if required:
- Scrub encroachment is unlikely to be a problem in the first years after sowing, but should be monitored and controlled if the area of scrub exceeds 5% of the identified grassland areas. Control should comprise cutting and removal, with cut stumps treated with an approved forestry herbicide.
- Encroachment of undesirable weed species (i.e. common nettle, dock sp. (excluding common sorrel), creeping thistle, spear thistle, willow herb sp., bramble) should be monitored. During the early

developmental stages of the grassland sward some 'undesirable' species are to be expected, and should become less dominant as the communities become established and stabilised. However, where the levels of weed growth are considered to be excessive (i.e. where the weed species occurs in more than 5% of the total area), direct control should be undertaken. Control methods should comprise hand-pulling or spot treatment with a suitable approved selective herbicide.

Pond wildflower mixes

- During the first year after sowing, annual weed growth to be cut back twice during the growing season to encourage perennial cover. Appropriate lightweight machinery to be used.
- Once established, any dense stands of single species (eg Yellow Iris) to be selectively thinned every 2-3 years in rotation. Works to take place between September and November in accordance with ecological constraints. Machines and heavy equipment should be used with care on wet sites to avoid damage to soil and vegetation
- Monitor wetland vegetation, marginals and water quality of the pond, particularly during the first few years after establishment, to develop an understanding of seasonal changes/water levels and allow more effective landscape management of the wetland areas.
- Monitor algal levels in the pond during the first few years after establishment. Treat to remove if necessary.
- Monitor marginal and submerged / emergent vegetation, and undertake winter clearance / cutting as necessary. This will be required within the pond when the ratio of aquatic vegetation to open water is less than 50%. Where clearance is required, no more than 1/3 of the pond or swale should be cleared in any one year. Plants should be pulled by hand (including roots) or cut to just above the surface water.
- Undertake periodic dredging of wetland features if required to return the pond to its original profile and in accordance with Ecologist's approval. This should only be undertaken if excessive siltation is observed. Dredging should be undertaken during the winter months, and no more than half of pond should be cleared in any one year.
- Monitor for presence of non-native and invasive wetland species (such as Canadian pond-weed, New Zealand pygmy-weed, parrot's feather and Japanese knot weed). If such species are found, they should be eradicated using approved methods in consultation with the Environment Agency and giving notice as required.
- Check safety equipment associated with water and replace if necessary.

SuDS Features and Inlets and Outlets

Maintenance of the SuDS attenuation basins and all associated features would be in accordance with the Surface Water Strategy Technical Summaries submitted for each relevant development phase.

Regular monitoring should be undertaken as prescribed in the SWS Technical Summary and to ensure all inlets and outlets are free of obstruction

Formal Play Areas and Informal Natural Play Features

- Monitor equipment and surfaces for safety on a regular basis and keep the area clear of rubbish and deleterious materials.
- Commission regular RoSPA inspections in line with RoSPA recommendations
- Maintain fully accessible footpaths and surfaces free from weeds, litter and physical obstruction.
- Maintain site furniture, railings and gates in good working order and free from weeds and physical obstruction.
- Maintain gulleys free of obstruction.

Footpaths, cyclepaths and hard-surfaces

- Maintain fully accessible and free draining footpaths and cyclepaths free from weeds, litter and physical obstruction.
- Maintain all associated signage and railings in good working order.
- Maintain all gulleys within POS free of obstruction to ensure free draining

Street Furniture

- Maintain all street furniture in good working order and replace as necessary.

Allotments

- Maintain robust, accessible, well drained and secure facilities with access to water. Ensure all allotment holders adhere to any guidelines set out.

General Safety Checks

- The management company will undertake regular checks to ensure the general safety of areas and equipment within the public open space and identified issues rectified as soon as possible.

Monitoring

As set out in Section 3, a monitoring process will run alongside the Management Regime and feed back into the plan in order to ensure its continued effectiveness.

All landscape management issues identified on site as part of the regular and ongoing maintenance works should be recorded and either dealt with immediately, (as per safety issues as set out above) or scheduled for discussion as part of an annual review process.

Any adjustments required to ensure the Management Regime continues to achieve the stated landscape management objectives should be put in place annually and recorded within the Management Plan.

Any SuDS related issues should also be fed back into the SWS Technical Summary.

The broader 5 and 10 year review of the overarching management objectives and regime, and all further reviews carried out thereafter, should be carried out in consultation with SWT.

5 : Post Construction Management Actions

Action	Month											
	J	F	M	A	M	J	J	A	S	O	N	D
Existing Trees												
Annual inspection of retained trees by qualified arboriculturalist												/
Undertake essential safety works on mature trees.	/	/	/	/	/	/	/	/	/	/	/	/
Retained Hedgerows												
Trimming		/	/							/	/	
New Hedgerow Planting												
Weeding around new plants				/	/	/	/	/	/			
Pruning to promote vigor(in accordance with species)		/	/							/	/	
Replacing dead or diseased new plants during establishment phase	/										/	/
Watering as necessary to ensure thriving during establishment phase				/	/	/	/	/	/			
Replacement of dead or diseased plants (bare root) during establishment phase		/	/							/	/	
New Woodland Planting												
Weeding around new plants				/	/	/	/	/	/			
Pruning to promote vigour (in accordance with species)												
Replacement dead/diseased new plants during establishment phase		/	/							/	/	
Removal and spot treatment of weeds.					/	/	/	/	/			
Removal of tree shelters and guards by year 5.									/			
New tree and shrub planting												
Weeding around new plants					/	/	/	/	/			
Removal/spot treatment of weeds.					/	/	/	/	/			
Pruning to promote vigor		/	/							/	/	

Action	Month											
	J	F	M	A	M	J	J	A	S	O	N	D
New tree and shrub planting (continued)												
Replacement dead/diseased new plants (container) during establishment phase	General management commitment to be carried out as and when necessary and therefore no timed response											
Check tree ties and adjust/ remove as required by year 5				/					/			
Watering as necessary to ensure thriving during establishment phase			/	/	/	/	/	/				
Years 5 & 10 undertake review of management and need for replacement planting.										/		
Grassland												
Management/cutting of amenity grassland.				/	/	/	/	/	/		/	/
Management of wildflower edge grassland & Wetland Margin swards 1st Year				/	/	/	/	/	/			
Subsequent Years 2-10: Rotational mowing of 75% of wildflower grassland areas							/	/	/			
Undertake weed and scrub control				/		/		/				
Undertake wildflower meadow review at year 10 to assess species diversity and effectiveness of management timings						/						
Pond.												
Management of Pond Edge Swards 1st year					/							
Subsequent Years 2-10:					/							
Removal of rubbish.	/	/	/	/	/	/	/	/	/	/	/	/
Management of pond vegetation. Removal of excessive algae, veg/ silt/non-native species as required.								/	/			
Replace dead/diseased plants (CG/Plugs) during establishment phase			/	/	/							

Action	Month											
	J	F	M	A	M	J	J	A	S	O	N	D
Pond												
Check safety equipment associated with water.	/	/	/	/	/	/	/	/	/	/	/	/
Undertake essential safety works on mature trees.	/	/	/	/	/	/	/	/	/	/	/	/
SuDS Basins Generally												
Maintenance SuDS features will be in accordance with the relevant phase Surface Water Strategy Technical Summaries.	Refer to Surface Water Strategy for management actions and timings											
Play Areas												
Check safety of equipment and arrange RoSPA inspections on a regular basis.	/	/	/	/	/	/	/	/	/	/	/	/
Clear site of rubbish and deleterious materials	/	/	/	/	/	/	/	/	/	/	/	/
Check bird/bat boxes and clear nesting material and other debris.		/	/						/	/		
Allotments												
Maintain access/set down weed free & well drained.	/	/	/	/	/	/	/	/	/	/	/	/
Maintain secure boundaries	/	/	/	/	/	/	/	/	/	/	/	/
Maintain dense boundary hedges at max 2m heights		/	/						/	/		
Maintain hub building, water tap & informal play equip.	/	/	/	/	/	/	/	/	/	/	/	/
POS Generally												
Maintain street furniture in good working order & replace matched as required.	/	/	/	/	/	/	/	/	/	/	/	/
Maintain hard surfaces sound, free draining & consistent. Replace as required to match, including after trenching for services	/	/	/	/	/	/	/	/	/	/	/	/
Maintain gulleys to ensure draining	/	/	/	/	/	/	/	/	/	/	/	/
Maintain litter free.	/	/	/	/	/	/	/	/	/	/	/	/
Maintain robust stock proof fencing	/	/	/	/	/	/	/	/	/	/	/	/
Replacement of dead/diseased plants during establishment phase	General management commitment to be carried out as and when necessary and therefore no timed response											

6: Roles & Responsibilities, Proposed Means of Ensuring Access to the Public Open Space & Use Thereof by the Public in Perpetuity.

Stewardship Model For Future Management

The Section 106 Agreement which accompanies the outline planning permission for Staplegrove West (34/16/0007) includes a schedule (Schedule 6) setting out arrangements for the provision of Public Open Space. In summary, Schedule 6 sets out that:

- A Public Open Space Strategy should be submitted to and approved by Somerset West and Taunton Council before any reserved matters applications are submitted,
- That the Public Open Space Strategy should include a fully detailed regime for the management and maintenance the public open space, including ongoing maintenance operations,
- That the arrangements for the management and maintenance of the public open space may be transferred to a Management Body, which is described as “a body which has been first approved in writing by the Borough Council and whose primary objects require it to fund manage maintain and renew the public open space”.

This Public Open Space Strategy fulfills the requirements set out in Schedule 6 of the above s106 Agreement, setting out the details of the public open space to be provided at Staplegrove West and details of ongoing management and maintenance. The elements of Schedule 6 looking at transfer to a Management Body would normally be achieved by transferring the Staplegrove West public open space to a Management Company set up to oversee future management of the whole development and associated requirements.

As part of the Garden Town agenda, however, Somerset West and Taunton have decided to set up a Stewardship model for the future management of developments across Taunton, and Staplegrove West is likely to be one of the first developments to be use the new arrangements.

The Town and Country Planning Association has described Stewardship as “ensuring that a community asset is properly looked after in perpetuity”. In order to follow this aim, many stewardship regimes are guided by the following principles:

- provides for the long-term management and control of assets that are important to a sustainable new community.
- ensures the long-term costs associated with management and maintenance are factored into the project.
- delivers sustainable management of community assets for the long term.
- enables the community to engage with and have ownership of asset management.
- enables a comprehensive and coordinated approach to public realm management.
- removes risk that responsibility and cost of management and maintenance falls back on local authorities.

Somerset West and Taunton Council are working with Arup to develop a comprehensive Stewardship scheme for the new garden communities that will deliver the Garden Town aspirations. At the time of producing this Public Open Space Strategy, Arup were in the process of producing principles and objectives for a stewardship scheme, and were consulting with stakeholders including the developers of the new Garden Communities including Staplegrove West. However, the final stewardship scheme had yet to be agreed.

Clearly, the requirements of the s106 could be fulfilled by the developers of Staplegrove West in the usual way by the creation of a Management Company. However, given the Council’s desire to look at alternative ways to organise ongoing management and maintenance arrangements for all aspects of Staplegrove West, it would seem better to work with the process the Council are going through with Arup.

Therefore, this Public Open Space Strategy does not set out a definitive solution to the governance of the arrangements for the funding, management, maintenance and renewal of the public open space at Staplegrove West. Instead, these arrangements will be developed in partnership with Somerset West and Taunton Council through the ongoing work with Arup, and will be set out as part of the conclusions of that work.

In the event that the Council is unable to agree a satisfactory stewardship regime for the management and maintenance of Staplegrove West, the developer will revert to the creation of a Management Company as envisaged by the s106 Agreement.

Management Company Model

In the event that a Management Company is to be created then the following would apply:

All landscape and ecological management within Staplegrove West, including maintenance of areas of public open space, would be the responsibility of a Management Company appointed by the site owner. The Management Company would own all areas of Public Open Space and would be responsible for the appointment of contractors as appropriate to ensure that all works included in this document are carried out, in perpetuity, including obtaining the following additional reporting:

- appoint a qualified arboriculturalist to undertake the annual tree inspections.
- appoint a qualified arboriculturalist to undertake periodic 10 year tree establishment/long term reviews.
- appoint a drainage specialist to ensure the effective ongoing maintenance and functioning of all SuDS features.
- contact an independent inspector to undertake the regular Risk Assessment of the Equipped Children’s Play Area;
- appoint a consultant ecologist to inspect the wildflower grassland and any bird/bat/dormouse boxes etc.

The public open space would be managed and maintained in accordance with the principles set out in this ‘Management Regime’ and would remain open to use by the general public as open space, except for temporary closure periods as necessary in order to carry out operations such as maintenance or repair etc. as set out in Schedule 6 of the Section 106 Agreement.

In addition, it would be the responsibility of the Management Company to ensure ongoing monitoring of the Public Open Space Strategy is carried out and that the Strategy is updated as necessary to take account of comments and improvements suggested in response to environmental conditions and the needs of the growing new community.

The Management Company would conduct regular reviews of the Public Open Space Strategy, **in Year 5 and 10 and thereafter as agreed with SWT**. All reviews would be carried out in consultation with SWT and would ensure that any amendments as agreed with SWT would be incorporated into an updated strategy document, to the approval of SWT.

The Management Company may, as stated within Schedule 6 of the Section 106 Agreement, enter into discussions with SWT regarding the potential transfer of the Public Open Space and its management, in perpetuity, to SWT, excepting parts of the POS containing SuDS measures, which would remain the in the ownership and responsibility of the Management Company. Any such discussions to be in accordance with Schedule 6 of the Section 106 Agreement.

Appendix 1: Summary of Planting Species

Structure Planting Mix (northern boundary and across site)

1 plant per 1.5m sq planted in random groups of 5-10 per species

<i>Acer campestre</i>	Field Maple	10%
<i>Carpinus betulus</i>	Hornbeam	05%
<i>Castanea sativa</i>	Sweet Chestnut	05%
<i>Cornus sanguinea</i>	Dogwood	05%
<i>Corylus avellana</i>	Hazel	15%
<i>Crataegus monogyna</i>	Hawthorn	10%
<i>Euonymus europaeus</i>	Spindle	05%
<i>Ilex aquifolium</i>	Holly	5%
<i>Ligustrum vulgare</i>	Wild Privet	10%
<i>Malus sylvestris</i>	Crab Apple	05%
<i>Prunus avium</i>	Wild Cherry	05%
<i>Prunus spinosa</i>	Blackthorn	10%
<i>Quercus Robur</i>	English Oak	05%
<i>Tilia platophyllos</i>	Large Leaved Lime	05%

Structure Planting Mix (SuDS Attenuation Areas)

1 plant per 1.5m sq planted in random groups of 5-10 per species

<i>Alnus glutinosa</i>	Alder	10%
<i>Corylus avellana</i>	Hazel	15%
<i>Crataegus monogyna</i>	Hawthorn	15%
<i>Ilex aquifolium</i>	Holly	5%
<i>Prunus spinosa</i>	Blackthorn	10%
<i>Quercus Robur</i>	English Oak	5%
<i>Salix caprea</i>	Goat Willow	10%
<i>Salix viminalis</i>	Osier	10%
<i>Salix cinerea</i>	Grey Willow	10%
<i>Viburnum opulus</i>	Guelder-rose	10%

Trees planting within structure mix (12-14cm, 3.5-4m Ht feathered)

1 tree per 25m sq (5m grid) planted in groups of 3-5 per species

<i>Acer campestre</i>	Field Maple	10%
<i>Alnus glutinosa</i>	Common Alder	10%
<i>Betula pubescens</i>	Downy Birch	10%
<i>Carpinus betulus</i>	Hornbeam	05%
<i>Castanea sativa</i>	Sweet Chestnut	15%
<i>Populus nigra</i> 'Betulifolia'	Black Poplar	05%
<i>Quercus robur</i>	English Oak	25%
<i>Sorbus torminalis</i>	Wild Service	05%
<i>Tilia Platophyllos</i>	Large Leaved Lime	15%

'High Canopy' Trees or Pocket Parks to Northern Buffer

(4-4.5m Clear Stem 18-20cm girth)

<i>Castanea sativa</i>	Sweet Chestnut
<i>Fagus sylvatica</i>	Beech
<i>Juglans nigra</i>	Black Walnut
<i>Liriodendron tulipiferera</i>	Tulip Tree
<i>Quercus robur</i>	English Oak
<i>Tilia Platophyllos</i>	Large Leaved Lime

Shrub Edge Mix (to electricity cable zone)

<i>Corylus avellana</i>	Hazel	10%
<i>Cornus sanguinea</i>	Dogwood	05%
<i>Crataegus monogyna</i>	Hawthorn	15%
<i>Euonymus europeaus</i>	Spindle	05%
<i>Ilex aquifolium</i>	Holly	10%
<i>Prunus spinosa</i>	Blackthorn	10%
<i>Rosa canina</i>	Dog Rose	10%
<i>Salix caprea</i>	Goat Willow	10%
<i>Salix viminalis</i>	Osier	10%
<i>Salix cinerea</i>	Grey Willow	05%
<i>Viburnum opulus</i>	Guelder-rose	10%

Hedgerow Planting Mix

Allow 5 plants per linear metre in a double staggered row.

<i>Acer campestre</i>	Field Maple	10%
<i>Cornus sanguinea</i>	Dogwood	10%
<i>Corylus avellana</i>	Hazel	15%
<i>Crataegus monogyna</i>	Hawthorn	20%
<i>Ilex aquifolium</i>	Holly	10%
<i>Ligustrum vulgare</i>	Wild Privet	10%
<i>Malus sylvestris</i>	Crab Apple	05%
<i>Prunus spinosa</i>	Blackthorn	15%
<i>Rosa canina</i>	Dog Rose	5%

Wildflower Meadow Mixes

- **Open Meadow** : Standard General Purpose Meadow Mixture EM2/3 (Emorsgate Seeds or sim/app.)
- **New Hedgerows**: Hedgerow Mixture EH1 by Emorsgate Seeds or sim/app.
- **Structure Planting Areas (in year 3)**: Wild flowers for woodland EW1F by Emorsgate Seeds or sim/app
- **SuDS Depressions**: Meadow grass for wetlands EG8 & meadow for wetlands EM8 by Emorsgate Seeds or sim/app

Native Shade Tolerant Mix for Road Embankments

Plug plants (drifts along hedgerows & edges of structure planting).

<i>Anemone nemorosa</i>
<i>Asplenium scolopendrium</i>
<i>Digitalis purpurea</i>
<i>Dryopteris filix-mas</i>
<i>Galium odoratum</i>
<i>Geranium sylvaticum</i>
<i>Polypodium vulgare</i>
<i>Polystichum aculeatum</i>
<i>Primula vulgaris</i>

Marginal Plug Plants to SuDS Depressions

<i>Carex hirta</i>	Hairy Sedge
<i>Carex paniculata</i>	Greater Tussock Sedge
<i>Caltha palustris</i>	Marsh Marigold
<i>Iris pseudacorus</i>	Yellow Iris
<i>Mentha aquatica</i>	Water Mint
<i>Myosotis scorpiodes</i>	Water Forget-me-not
<i>Persicaria amphibia</i>	Amphibious Bistort
<i>Potentilla palustris</i>	Marsh Cinquefoil
<i>Sagittaria sagittifolia</i>	Arrowhead
<i>Speranium emersum</i>	Unbranched bur-reed

Tree Planting**Spine Road Avenue Tree Planting**

(20-25 & 18-20cm girth mix. 4.5m & Clear Stem)

Acer campestre 'Streetwise'
Prunus avium 'Plena'
Quercus palustris
Tilia cordata 'Greenspire'

Feature Planting in pockets along spine road open space

(18-20cm girth 4.5M & Clear Stem)

Betula pendula multistem groups
Catalpa bignonioides
Fagus sylvatica 'Asplenifolia'
Liquidambar styraciflua
Magnolia grandifolia
Quercus ilex

Residential Road Tree Planting

(18-20 girth 4.5M & Clear Stem)

Acer campestre 'Elsrijk'
Ulmus 'New Horizon'
Pyrus calleryana 'Chanticleer'
Sorbus aria 'Majestica'

Courtyards/Incidental Spaces

(16-18 & 18-20 girth mix. 4.5m & Clear Stem)

Amelanchier lamarckii
Crataegus prunifolia
Magnolia Kobus
Malus Evereste
Sorbus thibetica 'John Mitchell'

Parkland Planting

(20-25cm & 18-20 girth mix. 4.5M & Clear Stem)

All trees listed in 'Feature tree planting' plus SuDS areas;
Alnus glutiosa
Betula pendula
Quercus palustris
Salix alba

Potential Ornamental Planting Schedule

(Outline list of structural & feature shrubs, groundcover & perennials. More detailed lists to come forward within each development phase)

Berberis buxifolia
Escallonia iveyi
Hebe rakaiensis
Hebe Great Orme
Hydrangea arborescens
Ilex crenata
Lavandula x intermedia
Osmanthus burkwoodii
Pittosporum tobira 'Nanum'
Pittosporum tenuifolium
Spiraea bumalda 'Anthony Waterer'
Viburnum davidii

Groundcover & Herbaceous:

Anemome hybrida 'Honorine Jobert'
Alchemilla mollis
Ajuga reptans
Bergenia cordifolia
Brunnera 'Emerald Mist'
Carex oshimensis 'Evergold'
Geranium Johnson's Blue
Euonymus fortuneii 'Darts Blanket'
Hemerocallis fulva
Heuchera Ruby Bells
Liriope muscari 'Big Blue'
Miscanthus 'Starlight'
Nepeta x faassenii
Pennisetum alopecuroides
Persicaria affinis
Phormium 'Emerald Green'
Polystichum setiferum 'Herrenhausen'
Rosmarinus officinalis 'Prostratus'
Sanguisorba officinalis 'Claire Austin'
Scabiosa 'Butterfly Blue'
Sedum spectabilis
Stachy byzantina 'White Carpet'
Stipa tenuissima *Verbenia bonariensis*

Appendix 2 : General Specification Notes for Public Open Space

The following section provides high level specification notes for the common elements within Staplegrove West's Public Open Space. It is noted however that each subsequent application for Reserved Matters would be accompanied by more tailored specification notes and that any subsequent construction tender documentation would include full landscape softworks and hardworks specifications.

Existing Vegetation to be retained

- All applications for reserved matters should be supported by updated aboricultural reports and all works should subsequently be carried out in accordance with recommendations set out with the relevant Aboricultural Report. This would include, but not limited to, avoidance of root protection zones, protection of amenity clearance zones and carrying out all necessary aboricultural works in accordance with good arboricultural practice.
- All site features to be retained to be verified before commencing work and all work in conjunction with BS 5837:2005 Trees in Relation to Construction.

Landscape Works Generally

- All landscape works should be undertaken in accordance with approval landscape drawings and landscape specification details.
- All levels, drainage, hardworks, boundary treatments and service details to be in accordance with Architects and Engineer's details.
- All materials & workmanship to be in accordance with relevant best practice.
- All works to be carried out by suitably qualified/experienced operatives and in accordance with relevant legislation.
- All works to be carried out in suitable weather and ground conditions.
- Any compound areas to be tested to ensure non contamination before ripping/topsoil placement for construction.
- All works relating to retention of existing topsoil, its stripping, storage & re-use, to be in accordance with Defra's 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'.
- All subsoiling and topsoiling, topsoil testing etc to be in accordance BS 3882:2015 and in line with the detailed landscape specifications accompanying each work phase.
- All planting areas to receive 300mm topsoil over 300mm ripped non contaminated subsoil. All grassed areas to receive 150mm topsoil over 300mm ripped non contaminated subsoil.
- All wildflower areas to be seeded on ripped soil and care taken to keep the area clear of fertilisers.
- All landscaping/planting works to be in accordance with good horticultural practice and in line with BS 4428: 1989
- All tree and shrub planting works to be undertaken November to February inclusive unless containerised stock.
- All amenity grass/wildflower seed to be sown/oversown September to October or April to May as required.
- The use of Pesticides and herbicides to be in accordance with current COSHH Regulations.

Landscape Maintenance Works Generally

- All landscape maintenance to be in accordance with individual phase Landscape and Ecological Management Plan recommendations and operations.
- Structure planting bed weed suppression and replacement planting of failed stock to be reviewed year 3-5 and an establishment review carried out.

Materials Generally

- All materials and fixtures across Staplegrove West, including play equipment, street furniture, boundary treatments etc. to be fit for purpose, robust and of sustainable origin.
- All materials to contribute to surrounding local landscape character, eg. predominantly timber seating, informal play equipment to be sited along the northern buffer footpath.
- Clutter to be minimised as far as possible.

Lighting Generally

- Lighting within POS to be minimised and low level where necessary. Lighting to be always in accordance with ecological recommendations as necessary

Specification Notes for Soft and Hard Landscape Works.

- All works shall be carried out in accordance with a landscape softworks specification produced by a landscape architect as part of tender documentation

Setting Out

- Planting shall be set out as shown on the drawing, measured from existing fixed points. Curved beds shall be set out to form smooth, even flowing lines. Before cultivation and planting, check that all setting out conforms to the plan. Failure to do so may result in rejection of the work by the Contract Administrator.
- Within narrow planting beds ensure that the bed is freedraining. If the bed is sealed with concrete footings, the landscape contractor shall contact the site manager to determine if footings are excessive and can be reduced or else, the bed may be paved. Where bed width is not as drawn, the landscape architect may reject the work.

Ground Preparation.

- An approved Pre-planting translocated systemic herbicide shall be applied to all planting areas in accordance with the manufacturer's instructions and to 1997 Control of Pesticides Regulations and 2003 COSHH regulations. Spray immediately if any weeds are present. If none are visible, and there may be a delay before planting, or the area is to be seeded, spray one month following cultivation after dormant seeds germinate. All spraying shall be carried out by skilled qualified operatives, using protective clothing, in suitable weather. Any damage caused by incorrect usage shall be rectified. Repeat as necessary to ensure complete kill and rake off all dead material from site.
- All topsoil within planting/seeding areas (imported or site won) to conform to BS 3882:2015. Fertilise with 100g per metre square of Fisons "Neutrocote" slow release fertilizer or similar/approved, in accordance with the manufacturer's instructions. For small beds, fork over or machine rotovate soil to a depth of 300mm, ensuring that the subgrade and topsoil are completely broken up, uncompacted and free draining. For beds greater than 5 metres in width, break up the subgrade and topsoil using a tractor mounted subsoiler or ripper at 500mm centres to a depth of 500mm, except where there are services, or within 10 meters of tree stems or 3 meters of existing hedges. Do not rip areas where roots greater than 10mm diameter are encountered.
- Topsoil within all planting beds to be graded to a level 65mm below adjacent grass or paved surfaces, within 400-600mm of edges to ensure bark or wood chip mulches are retained. Within grassed areas, soil level shall be flush (maximum 10mm below) of adjacent paved surfaces.

- Tree pits to be excavated to a depth of 1000mm with the bottom of the pit broken up to a further 150mm depth. Width of tree pit to be 500mm greater than the rootball in all dimensions.
- Root barrier such as ReRoot 1000 by GreenBlueUrban or sim/app to be provided for all trees within 1.5m of the adopted highway. For location refer to Engineer's Details.
- Any required tree planting crates to be installed in accordance with manufacturer's instructions.

Planting

- All planting must be carried out in accordance with a full softworks specification, produced as part of tender documentation. Refer to the specification for the preparation of existing topsoil and required depths for planting, turfing, and standard trees, and also for maintenance requirements.
- All plant stock, including trees, to conform to size, species and variety specified on the planting plan schedule, unless prior agreement to a substitution by the landscape architect has been received. All shrubs shall be as specified for the pot size by the HTA National Plant Specification. The landscape architect reserves the right to reject any stock falling below this standard.
- All trees, shrubs, herbaceous plants, whips and transplants shall be watered in on planting and thereafter during the contract period at regular intervals, as necessary to ensure thriving.
- All trees to be double staked with 1.6m (80-100mm dia) chestnut stakes 600mm above ground and 1000mm below ground) and fixed with an expanding rubber belt cut to size on site, Toms Ties B10 or sim/approved and positioned 25mm maximum from the top of the post.
- Turf to be of cultivated grade such as Rowlawn "Medalion", or similar/ approved.
- Mulch: All planting areas to receive 75mm Melcourt amenity bark mulch or similar/approved. All groundcover areas to receive 75mm Melcourt fine graded bark mulch or sim/app.

Relevant British Standard Codes

All workmanship and materials shall conform to the following codes:-

- General landscape operations (excluding hard surfaces) - BS 4428:1989.
- Trees in relation to construction- BS 5837:2012 and BS 6549:1990.
- BS 3998:2010 (recommendations for tree works) unless otherwise specified.
- Arboricultural Association - Standard Conditions of Contract and Specifications of Tree Works 1996.
- Nursery stock in accordance with latest horticultural trade association nursery stock specification entitled "National Plant Specification 2001".

Plants shall conform to:

- BS 3969- 1:1992 Nursery Stock - Specification for trees and shrubs.
- BS 3969- 2:1990 Nursery Stock - Specification for roses + AMD 6628.
- BS 3969- 4:1984 Nursery Stock - Specification for forest trees.
- BS 3936- 9:1998 Nursery Stock - Specification for bulbs, corms and tubers.
- BS 3936-10:1990 Nursery Stock - Specification for ground cover shrubs. CPSE-Committee for Plant Establishment, Handling and establishing landscape plants 1996, Part 3.
- Glossary for Landscape Works BS 3975 Pt 4:1966
- Turf - BS 3969:1998- recommendations for turf for general purposes.
- Seeding - EEC Regulations 1974. Use blue labelled certified varieties to EC purity and germination regulations. When requested, submit an official seed Testing Station Certificate of germination, purity and composition.
- Topsoil - BS 3882:2015
- Pesticides: Control of Pesticides Regulations 1997; The Health and Safety at Work Act 1974; the COSHH Regulation 2003, the product COSHH sheet Water Supply (Water Quality) Regulations amended 1991;Control of Pollution Act 1974; Hedgerow ACT 1997; Wildlife and Countryside Act 1981.

General Notes for the Developer.

Tree Protection

- Any existing trees to be retained and adjacent off site trees, are the responsibility of the main contractor on site who shall take all necessary protective measures set out in BS 5837:2012 to ensure no damage to stems or roots, to prevent compaction from vehicles or storage of materials, contamination of soil from spillages, scorching from fires and instability or stress from changes of soil level. The landscape contractor shall also conform to this. Any tree damaged on site shall be replaced with an appropriately sized tree at the contractor's expense. Suitable protective measures shall be as specified on the Tree Protection Plan.

Ground Work

- Before topsoil is spread any compacted subgrade within planting areas should be thoroughly broken up by machine.
- Formation levels should take account of the following planting depths; Shrub beds: 350mm. Grass areas 100mm. Tree pits will be dug by the landscape contractor. Tree pit dimensions will be 400mm topsoil over 600mm well consolidated washed, quarried sharp sand and 500mm wider than the rootball in all directions. Bottom of pit to be broken up to a depth of 150mm.
- Topsoil shall be spread for grass areas flush with any areas of paving and after settlement, the soil level should be no greater than 10mm below paved areas to allow for turf. For areas to be grass seeded, the soil level shall be flush with any finished paved surfaces after settlement (or to a maximum of 5mm below). Settlement shall be no greater than the tolerances given.

Hardworks

- All materials and workmanship shall be in accordance with the layout plan, construction details and Engineer's details.
- All paths and edgings shall be set out properly to lines and radii, with all curves achieving flowing natural arcs. Setting out shall be agreed with the landscape contractor and subsequently the landscape architect.

Appendix 3 : Strategic Objectives Checklist (For each RM application)

Strategic Objectives				
(A) Public Open Space Generally				
Objective	Consented Parameter Plans	Reserved Matters Design Proposals	Reserved Matters LEMP	Reserved Matters Supporting Design Documents (Design Code/Placemaking Strategy)
<i>Inclusive design and accessibility for all</i>				
<i>Provision of an attractive and greened environment with key assets retained and enhanced (eg. views to Quantocks from public open space and Grade 'A' trees retained in a range of key and incidental spaces)</i>				
<i>Provision of a range of public facilities enabling and encouraging both formal and informal recreation</i>				
<i>Robust landscape structure, tolerant of periodic drought and flooding</i>				
<i>An integrated SuDS strategy designed with 'natural' form where possible and to be fully usable when dry.</i>				
<i>An ecologically diverse landscape incorporating species mixes as agreed with SCC</i>				
<i>Retention and incorporation of existing GI assets within public open space providing maturity and immediate landscape impact</i>				
<i>GI linkages managed predominantly for sustained biodiversity</i>				
<i>All built form (including but not limited to, surfacing, boundary details, street furniture, play equipment) fit for purpose and sustainably sourced where possible.</i>				
<i>All planting (including but not limited to, species, topsoil, subsoil, sizing, irrigation) fit for purpose and sustainably sourced where possible.</i>				
<i>Maintain hub building, water tap & informal play equip.</i>				
<i>Contribution to Ecological Mitigation</i>				
<i>Contribution to Visual Mitigation</i>				
<i>Network of Linked GI Corridors and Open Spaces encouraging walking and cycling</i>				
<i>Detailed design at reserved matters application stage incorporating all current STW, SPG & National Guidance on Garden Towns</i>				
<i>Production of Design Guides and Placemaking Strategy at each reserved matters phase for SWT approval.</i>				

(B) POS/Landscape Structure				
Objective	Consented Parameter Plans	Reserved Matters Design Proposals	Reserved Matters LEMP	Reserved Matters Supporting Design Documents (Design Code, Placemaking Strategy)
(i) Northern GI Corridor (refer Pg 6)				
Provision of multi-functional linear spaces/GI linkages, (10-30 metres in width).				
Provision of site wide landscape structure, responsive to the wider setting, natural in character and species appropriate.				
Provision of dense woodland structure as per approved visual/ecological mitigation measures, with 'scaloped' edge zone for maximum micro-climates/ecological diversity.				
Provision of key views to Quantocks through localised raising of canopies at pocket park/LEAP locations.				
Provision of an informal recreational resource, continuous accessible footpath, occasional natural play/seating opportunities and ecological interpretation boards.				
Placement of occasional orchard trees along the footpath, combined with low key management allowing fruiting brambles				
Creation of strong landmarks/nodal points at formal play areas & the interface with north/south GI corridors aiding legibility.				
<i>Detailed design at reserved matters application stage incorporating all current STW, SPG & National Guidance on Garden Towns & RM Design Guide & Placemaking Strategy</i>				
(ii) North/South GI Corridors (refer pg.6)				
Provision of multi-functional linear spaces, (10-30 metres in width).				
Provision of site wide landscape structure of natural character in response to the wider setting.				
Provision of integrated SuDS opportunities which are natural in character and ecologically diverse.				
Provision of an informal recreational resource, continuous accessible footpath (PROWs), occasional natural play/seating opportunities and ecological interpretation boards.				
Provision of key pedestrian gateway points at the interface between the site and existing Staplegrove.				
<i>Detailed design at reserved matters application stage incorporating all current STW, SPG & National Guidance on Garden Towns & RM Design Guide & Placemaking Strategy</i>				
(iii) Key Open Spaces				
Provision of a range of robust open spaces, from smaller pocket parks and LEAPs to large neighbour parks (NEAPs) providing opportunity across Staplegrove West, for formal /informal recreation, accessed directly from housing areas and from the sitewide landscape framework/ walking/cycling network.				
Provision of street/parkland trees for landscape impact along with informal amenity grass areas, wildflower meadow margins and ornamental planting areas providing biodiversity, shading and a 'Parkland' landscape character.				
Retention of Key GI assets for immediate landscape character and value.				
Provision of integrated and overlooked SuDS features which are fully usable when dry, natural in form, augmented with appropriate native meadow planting, marginals and with permanent water features where appropriate. Interpretation boards to highlight function and ecological value.				
Provision of well sited wayfinding markers to encourage wider usage of pedestrian and cycle routes				
Refer Equipped Areas of Play for further details				
<i>Detailed design at reserved matters application stage incorporating all current STW, SPG & National Guidance on Garden Towns & RM Design Guide & Placemaking Strategy</i>				

(iv) Pocket Open Spaces				
<i>Smaller open areas sited as necessary to retained existing GI assets within housing areas, such as Mature Grade A trees.</i>				
<i>Provision of incidental spaces to aid legibility and provide possibility for 'Feature' tree planting with flowering qualities.</i>				
(v) Sustainable Urban Drainage Solutions				
<i>Provision of a diverse range of rainwater attenuation features including rain-gardens, wetland areas, attenuation basins and permanent water features.</i>				
<i>SuDS features considered usable spaces when dry, with year round accessible paths above flood zone to ensure overlooking</i>				
<i>Natural in form including undulating banks, marginal planting shelves and tree planting to soften visual extents of the basin.</i>				
<i>Species rich meadows tolerant of periodic flooding</i>				
<i>Interpretation boards describing function and ecological value.</i>				
<i>No-dig zone within root protection area of existing trees.</i>				
<i>Site wide Surface Water Strategy in accordance with the CIRIA SuDS Manual, DEFRA's SuDS standards, TDBC Local Developer Guidance & Lead Local Flood Authority's guidance 'Sustainable Drainage in Somerset'</i>				
(vi) Equipped Areas of Play				
<i>Provision of safe, stimulating and attractive play areas to parameters as set out in the agreed Section 106 Agreement.</i>				
<i>Incorporation of existing GI assets and topography in detail design proposals to create characterful spaces which respond to local character</i>				
<i>Incorporation of tree shrub and herbaceous planting for landscape structure, GI linkages, shading, wildlife and educational value.</i>				
<i>Provision of play equipment in accordance with national guidance as set out below.</i>				
<i>Provision of connections with the site's wider GI network and incorporation of clear signage/interpretation to encourage use of the wider POS network.</i>				
<i>Provision of fencing/gates only where necessary.</i>				
<i>Detail design at reserved matters application stage in accordance with current Fields in Trust, Play England & SWT guidance</i>				
(vii) Allotments				
<i>Provision of robust, well maintained, accessible & serviced allotment facilities which are fit for purpose & with capability to adapt to growth/changing needs. Overall provision in accordance with agreed Section 106 Agreement.</i>				
<i>Secure boundaries screening low level clutter, whilst allowing in light and retaining overlooking/security</i>				
<i>Provision of access to water</i>				
<i>Provision of vehicular access and set down space for deliveries, along with well drained pathways</i>				
<i>Guidance on hours of operation, plot usage, sheds, livestock, bonfires etc in accordance with an agreed rental agreement.</i>				
<i>Detail design at reserved matters application stage and pre-occupation rental agreement documents in accordance with the National Allotment Society's guidance.</i>				

(vii) Community Orchards				
<i>Provision of fruiting trees across the site to promote healthy lifestyle and encourage use of the POS network</i>				
<i>Provision of a range of fruiting tree locations including in orchards and as single trees along GI linkages and adjacent to footpaths</i>				
<i>Detailed design at reserved matters application stage incorporating all current STW SPG & National Guidance on Garden Towns</i>				
(viii) Cycle Route				
<i>Provision of a safe, comfortable and connected cycle route in accordance with LTN 1/20</i>				
<i>Consideration of the immediate surroundings in the detailed design of the surfacing, edging and signage so the cycle path does not detract from the landscape character</i>				
<i>Detailed design in accordance with all current national and local guidance</i>				
(v) Streets				
<i>Provision of landscape character in response to the Street Hierarchy set out in the approved Access Parameter Plan</i>				
<i>Provision of landscape character in response to adjacent POS where relevant</i>				
<i>Provision of a supporting and agreed site wide street tree planting strategy in conjunction with the first RM application following the GI RM application. This strategic consideration of tree planting will strengthen the legibility of movement routes across site, provide landscape character and structure, deliver landmark features, seasonal interest, shading and strengthened GI linkages.</i>				
<i>Provision of a higher proportion of native tree species where streets interface with GI corridors</i>				
<i>Consideration of resilience to disease in the whole-site specification of tree species along the spine road</i>				
<i>Provision of 'Green Streets' in accordance with the Access Parameter Plan which form linkages into existing GI assets and public realm space.</i>				
<i>Provision of more generous dimensions in Green Streets to allow planting of large tree species native trees. Allow minimum 6.5m from habitable room windows to centre of new trees.</i>				
<i>Management of tree planting verges as bio-diverse wildflower meadows, including where swales are provided</i>				
<i>Provision of more informal placement of smaller trees within secondary roads and incidental small species & flowering trees within lanes and mews.</i>				
<i>Production of Tree Planting Strategy as part of Design Guides and Placemaking Strategy at each reserved matters phase for SWT approval.</i>				

Application Details	
Application Reference Number:	38/22/0176
Application Type:	Full Application
Description	Formation of public realm to include landscaping and associated infrastructure works (includes Environment Statement) referred to as The Southern Boulevard at Firepool, Canal Road/Priory Bridge Road, Taunton Includes Environmental Statement.
Site Address:	FIREPOOL Regeneration Site, Canal Road/Priory Bridge Road, Taunton
Parish:	Taunton unparished area
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	J Price Consulting
Applicant:	Somerset West and Taunton Council
Reason for reporting application to Members:	In the interests of probity - The proposal is submitted by Somerset West and Taunton Council on a strategic regeneration site owned and due to be developed by Somerset West and Taunton Council.

1. Recommendation

That planning permission be **GRANTED** subject to conditions

2. Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for the central street and area of public realm at the Firepool site which connects the River Tone to Canal Road and ultimately the Railway Station, referred to as the 'Southern Boulevard'.
- 2.2 The submission references wider Masterplan work going on and includes indicative information in relation to surrounding plots to be covered by the Masterplan. A draft Masterplan is currently going through the democratic process with a recommendation to the Executive Committee on 16

November 2022 for there to be public consultation prior to seeking adoption as a material planning consideration.

2.3 This application is being brought forward now due to the availability of Future High Street funding and is not seen to prejudice any comments on the draft masterplan as it has been developed to provide flexibility whilst accommodating principles established by previous applications and published guidance.

2.4 After consideration of all representations, planning policy and material considerations including the planning history, the scope of the application and the benefits of the scheme, the application is considered appropriate to be recommended for approval

3. Planning Obligations, conditions and informatives

3.1 Obligations

There is no legal agreement required in connection with this proposal.

3.2 Conditions (see Appendix 1 for full wording)

- 1) Time limit of 3 years for commencement
- 2) Drawing numbers of approved plans
- 3) Prior completion of application 38/21/0440 for levels and drainage
- 4) Phasing of development subject to Stopping up Order for Canal Road
- 5) Clarification of River Tone Bridge use
- 6) Public Art requirements
- 7) Street Furniture detail to be agreed
- 8) Priory Bridge improvement scheme
- 9) Signage and wayfinding requirement
- 10) Misuse and antisocial behaviour plan
- 11) Landscaping scheme to be implemented
- 12) Highway condition survey to be undertaken
- 13) Prevention of surface water disposal to highway
- 14) Tree Protection requirement
- 15) River channel capacity and riverbank slope safeguards
- 16) Pollution controls
- 17) Contamination safeguards
- 18) Construction Environmental Management Plan (CEMP)
- 19) Landscape and Ecological Management Plan (LEMP)

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working.
- 2) Advice from SCC Rights of Way
- 3) Advice from the Network Rail
- 4) Advice from the Crime Prevention Officer
- 5) Advice from the SCC Highways – Drainage
- 6) Advice from the SCC Highways – Stopping Up
- 7) Clarification regarding Condition 08

- 8) Advice from the SCC Highways – Work on adopted highway
- 9) Sustrans route
- 10) Advice from the Environment Agency

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 This is a full application for the laying out of public realm within the Firepool site, comprising:
 - the ‘Southern Boulevard’, inclusive of a water feature area;
 - a multi-functional space adjacent to the river, known as Waterfront Place or the amphitheatre;
 - a section of the river frontage, referred to as the Rivers Edge.
- 4.2 In effect this is a scheme of hard and soft landscaping to create a public open space, that combines to provide pedestrian and cycle access through the wider Firepool site from north to south, places to dwell, meet and watch and the general movement corridor for people accessing the future facilities and recreational offer at Firepool, both for future residents of the development and those whom are visitors. The space has been developed to not just be a transitional space, but also seeks to act as a high-quality amenity space where people spend time and where events can be held. The central zone of the Boulevard will include a new water feature comprising of a basin of permanent water which will be enclosed on three sides with the fourth accessible from hard landscaped steps and a ramp. The Northern section of the Boulevard was approved as part of application 38/21/0436.
- 4.3 An area of river frontage, the Rivers Edge area, connecting the proposed multi-functional space (Waterfront Place) to an existing river crossing is also included and comprises a cycle/footway and landscaping.
- 4.4 Vehicle access to the wider Firepool site will remain via the existing site access from Canal Road until such time as the northern access is built onto Trenchard Way. This application enables this as it demands the stopping up of Canal Road which is a condition upon which the use of the new access is predicated. Access to the existing Wessex Water siphon located near the river bank will be maintained from Canal Road. The Southern Boulevard will not be used or accessed by vehicles other than in the case of emergency or maintenance requirements.
- 4.5 The application is accompanied by an Environment Statement addendum as it comprises part of the wider Firepool project.
- 4.6 The public realm areas proposed here build off the provisions of a previously approved application which will be implemented shortly, namely the works to decontaminate, raise levels and rearrange drainage approved by application 38/21/0440 and approved by the Planning Committee in March 2022.

- 4.7 As the mix of the future development to flank the Boulevard or front the Waterfront Place or Rivers Edge area is not yet fully established the design has been developed by the applicants to provide flexibility whilst accommodating some guiding principles established by the previous planning permission such as maintaining the existing sightlines through the site.
- 4.8 All access for these works will be via Canal Road.
- 4.9 It should be noted that Somerset West and Taunton District Council is in this case both applicant and Local Planning Authority. The application is being brought forward by the Council in its role as developer after the site has lain dormant for many years and to provide some stimulus to unblock and unlock the site for development. Reference hereon to 'the Council' is as applicant/developer, the planning team referred to as the 'Local Planning Authority' or 'LPA' whose defined role is to apply national and local planning policy and assess material considerations without fear or favour.

Site and surroundings

- 4.10 The application site is located within Taunton town centre. It comprises an area of approximately 0.82ha, within a 4.2ha wider Firepool site.
- 4.11 The application site is bounded by Canal Road to the north, the River Tone to the south. Priory Bridge Road is to the south-west. The site currently comprises previously developed land. The site is bordered to the north beyond Canal Road by Block 6, land now being developed by Somerset County Council for an Innovation Centre, and Block 3 where planning permission has been granted (but not yet implemented) for an office block with retail/food and beverage ground floor uses and the refurbishment of the GWR building for food and beverage use, via application 38/21/0436. A principle vehicular access point off Trenchard Way in the northeast corner of the site has also been granted planning permission, via application 38/21/0464 but again has not yet commenced.
- 4.12 The site, along with the adjoining land described above to the north and a triangular site to the south of the river which is partly developed, forms part of a wider previously developed area of land known as Firepool which has been vacant for over ten years.
- 4.13 Formerly, the wider Firepool site comprised a livestock market, but this use ceased in 2008 and the site was largely cleared to facilitate its redevelopment. The part of the site subject to this specific application is currently partly laid to grass, and partly used as a public car park.
- 4.14 There is a public right of way (PROW) recorded on the Definitive Map that abuts the site (public bridleway T 33/21) running from Canal Road east besides the canal. National Cycle Route 3 runs around the edge of the site bordering the river. The East Deane Way runs along the south side of the River Tone.

- 4.15 The application site is not within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Taunton Railway Station to the north, the Firepool Pumping Station (and Firepool Lock) to the east, Gurds on Station Rd, plus the former Shirt and Collar Factory (Barnicotts) and Priory Lodge (all Grade II listed). Further south is the Grade II* St James Church and the Grade I listed St Marys Church. Non-designated assets include the GWR building.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
Firepool South - 38/10/0214	Up to 11,200 sq m of office floorspace, up to 4,475 sqm of hotel floorspace, up to 49 residential units together with associated car parking, landscaping, infrastructure and access on the southern part of the Firepool site adjacent to Priory Bridge Road, including the now constructed Viridor building which was later granted reserved matters approval pursuant to this outline.	Approval	30/11/2010
Wider Firepool Site - 38/15/0475	Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development, up to 6000sqm of non-food development (class A1), up to 4000sqm of office (B1) or hotel (C1) use, up to 2400sqm for a cinema (D2), up to 2600sqm of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former priory bridge road car park to provide up to 4014sqm of office (B1) and 4475sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition.	Refusal	01/09/2016
Wider Firepool Site - 38/17/0150 <i>'the approved St Modwen scheme'</i>	Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development (Class A1), up to 6000sqm of non-	Approval	13/03/2019

	food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and non-residential institutions (D1) (of which no more than 1500sqm shall be D1), up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition, (resubmission of 38/15/0475)		
38/21/0109/SCO	EIA Screening for 1,800 sqm, four storey office building and 300 space, four storey car park.	No EIA required	31/03/2021
Somerset County Council Decision SCC/3775/2020	The erection of a three storey Innovation Centre building of 2,613 sqm floor space (Use Class E) and external car parking area (Block 6)	Approval	09/02/2021
38/21/0436	Erection of an office building with ancillary ground floor commercial use (Class E), conversion and erection of extension to the GWR building to form restaurant (Class E), public realm, landscaping and associated infrastructure works on land to the south of Trenchard Way (Block 3)	Approved	28/03/2022
38/21/0440	Demolition of Auction House and site clearance with temporary diversion of cycle and pedestrian route through the site, raising of ground to create platform formation levels, ground remediation, flood mitigation, primary foul and surface water drainage networks and connections for future sites/developments surrounding the site at Firepool, Taunton. Includes Environmental Statement	Approved	13/05/2022
38/21/0464	Formation of vehicular access with associated works and alterations to highway	Approved	09/02/2022

6. Environmental Impact Assessment

- 6.1 Environmental Impact Assessment or EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (the 'EIA Regulations') as amended. The procedure must be followed for certain types and scales of development.
- 6.2 In this case the development is part of a 'project' described in Schedule 2, 10(b) of the EIA Regulations. That is: "*10. Infrastructure projects... (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas...*" and furthermore meets the first of the three applicable thresholds for Schedule 2, 10(b) projects: "*...(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.*"
- 6.3 The previous application to decontaminate, raise levels and rearrange drainage approved by application 38/21/0440 was submitted with an Environment Statement. It follows that as this application is part of the wider 'project' that the EIA remit should encompass this application as well, not that in of itself it raises significant environment issues.
- 6.4 The EIA process systematically identifies and assesses the likely significant environmental effects of a development. The process also offers an opportunity to promote an iterative design process whereby the likely significant adverse and beneficial effects of a project can be avoided or minimised, and encouraged and maximised, respectively. Where EIA is required, the results are reported in an Environmental Statement (ES). The ES allows the relevant determining authority, in this case Somerset West and Taunton Council, to consider all likely significant environmental effects arising from a development.
- 6.5 In accordance with the EIA Regulations, the ES reports the findings of the EIA process. As such, the ES sets out:
- The likely significant environmental effects of the Development.
 - The likely significant cumulative effects of the Development.
 - Mitigation measures required to prevent, reduce, ameliorate and / or offset any likely significant adverse environmental effects.
 - The likely significant residual effects of the Development which would occur following implementation of the above mitigation measures.
- 6.5 The submitted ES addendum is a material consideration to this planning determination process and the topics assessed form the sections to the main body of the report which follows.

7. Habitats Regulations Assessment

- 7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project

level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed public realm works will not increase nutrient loadings at the catchment's waste water treatment works. In fact, the rationale for the project is exactly the opposite. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

7.2 The site lies within the consultation zone for the Hestercombe House SAC, relating to bats. The Council's Ecologist requested and then examined surveys indicating no activity from Lesser Horseshoe bats. As such the Council is satisfied that the proposal will not have a significant effect on the European site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

8.1 Statutory consultees (the submitted comments are available in full on the Council's website.
 Date of Consultation: 24 May 2022
 Date of revised consultation (if applicable): There has been ongoing dialogue with consultees.

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. The following statutory consultees were consulted on this application:

Statutory consultee	Comments	Officer comments
Highway Authority - SCC	No objection. <i>“Highways Development Management is in receipt of the above planning application submission, for which we have reviewed the highways and transportation aspects of the proposal and have the following observations to make. A summary of the highway comments is as follows:</i> <ul style="list-style-type: none"> • <i>There is no highway objection to the principle of the proposal at this location.</i> • <i>The scheme will provide a high-quality pedestrian and cycle route, which will provide a key connection between the rail station to the north and the existing route alongside the River Tone.</i> • <i>Over time and with the implementation of the wider master plan it is likely that</i> 	Conditions and notes imposed.

	<p><i>this corridor will become less important for cyclists, and this is reviewed within the supporting planning information.</i></p> <ul style="list-style-type: none"> • <i>The impact of the scheme through the construction phase has been appropriately assessed, and to mitigate potential impacts, measures within a Construction Traffic Management Plan are presented.</i> • <i>Vehicular access to the Amphitheatre will need to be assessed and managed by the site management company.</i> • <i>Should permission be granted by the planning authority, a number of planning conditions are advised”.</i> <p><i>“Summary & Conditions: Having reviewed the proposals, the highway authority has no objection to the planning application submission, however, the following planning conditions are recommended. As noted above, there is also a requirement for a stopping up order to be processed before any works could commence within Canal Road, and the applicant should note the requirement for an appropriate licence / agreement to cover any works that could affect Priory Bridge Road”.</i></p>	
National Highways	<p><i>“Impact on the Strategic Road Network - Based on the scope and scale of works proposed under application 38/22/1076, National Highways is satisfied that the development will not result in an adverse impact on the safe operation of the strategic road network, in this case M5 Junction 25. Recommendation - National Highways has no objection to application 38/22/0176”.</i></p>	No further action.
Environment Agency	<p>Initial objection withdrawn – conditions proposed relating to access track and buffer strip, the river bank slope, a scheme of pollution prevention, contamination. Informative notes relating to oil and chemical storage, waste materials, discharges into the river and environmental permits.</p> <p>Comments made:</p>	<p>The conditions referred to have been imposed.</p> <p>Assessment of BNG is outlined at Para 11.49.</p>

	<p><u><i>"The buffer strip</i></u> <i>We reluctantly withdraw our objection but are disappointed a 3-metre river buffer zone could not be accommodated in this development. However, we welcome the addition of the native planting plan of shrubs and trees that will enrich and enhance the agreed 2.5 metre river buffer strip. We also welcome the promise of the 3-metre buffer zone to be put in place downstream of the bridge towards where it meets Firepool Weir. This appears to be outside of the red line boundary for this planning application, please clarify, or else can the red boundary line be moved to reflect this agreement, taking in the whole of the river in the Firepool development stretch and making clear where the 2.5 metre section is and where the 3-metre section will be implemented. It was also discussed and agreed in our recent meeting that further negotiations would take place with Active Travel England to try and have some flexibility around access width guidelines and push towards having the 3-metre river buffer strip along the whole length of the development area if possible. Given that both directly upstream and downstream of the site the cycleway and footpath is narrower than is being proposed here, we would hope the interests of access and biodiversity could reach a compromise and have a slightly narrower track and a slightly wider buffer to the river, thereby benefitting both. If this is the case the above condition will need to be amended accordingly.</i></p> <p><u><i>Biodiversity Net Gain (BNG) and River Habitat Assessment</i></u> <i>We still feel strongly that a River Habitat based BNG Assessment should be carried out, not just a terrestrial based assessment. To summarise the guidance includes development within 10 metres of the riverbank which this development clearly is and it details how to approach riparian encroachment. There is specific guidance around certain distances and significance e.g., 0 – 4 metres, 4 – 10 metres etc. We are aware the habitat value is limited now due to historic and</i></p>	
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current use here and that there is already a footpath present, but the development red line boundary is to top of bank and there will be major changes to the status quo with the widening and tarmacking of the access track (now including occasional vehicle access), increased use by the public, installing certain infrastructure, the planting scheme, lighting etc. We feel the development does have the potential to impact on the river and associated river habitat and that a river based BNG assessment is appropriate in this case. It seems a missed opportunity to not do this and show that there has been genuine BNG across the whole site that has fully considered all relevant habitat types, not just terrestrial, and to lead by example with this new form of environmental protection”.

On receipt of a BNG assessment -
“Thank you for referring the Biodiversity Net Gain Assessment for the above site which was received 23 September 2022.
In response the Environment Agency can make the following comments:

1.1.1 - Rationale for Not Using River Assessment in the BNG Assessment Report.

This is not in line with or in the spirit of the current 3.1 Metric User Guidance or Technical Supplement information. We would still encourage the applicant to undertake a River Condition assessment for completeness. There is an acknowledgement in section 2.2.1 that the river is the most important feature on the development site. It has ‘high strategic significance’ as a Local Wildlife Site whereas the rest of the site’s habitats are all ‘low strategic significance’. There is also an acknowledgement in section 3.2 Table 2 that the riverbank is relevant to the development as it is listed as a habitat feature. There has been reasoning given around the fact that the development will have ‘no impact’ on the river, but the red line boundary extends to the water’s edge, thus including all the 10 metres of riparian habitat that the BNG guidance states is

	<p><i>relevant when considering the need for a river based BNG assessment.</i></p> <p><i>However, the BNG regulatory deadline is October 2023 where it is understood the river metric assessment would become a legal requirement, we therefore defer to the Local Planning Authority to determine whether this application should be exempt from this requirement at this point”.</i></p>	
Lead Local Flood Authority (LLFA) - SCC	<p>“This appears to be a minor application and outside of the LLFA statutory requirements”.</p>	<p>No further action.</p> <p>Note – surface water drainage for the site has been addressed in the site wide Levels and Drainage application ref 38/21/0440.</p>
Canal and River Trust	<p>Concerns expressed relating to lighting, planting and the proposed cycle path.</p> <p>Later comments agreed revised lighting proposal.</p>	<p>Planting will be conditioned, and the cycle path design is discussed at Paras 11.25 and 11.51.</p>
Historic England	<p>“We suggest that you seek the views of your specialist conservation and archaeological advisers”.</p>	<p>See SWT Conservation Officer’s comments.</p> <p>See SW Heritage Trust comments - Archaeology has been addressed in the site wide Levels and Drainage application ref 38/21/0440.</p>
Natural England	<p>Comments made regarding the riverside path (lighting and proximity to river), and the amphitheatre (lighting and riverbank steps).</p>	<p>It is considered the amended plans address these concerns.</p>
Wessex Water	<p>Concerns expressed concerning the access to the syphon.</p>	<p>The applicant is discussing this matter with WW to find a solution, which isn’t considered a showstopper.</p>
Network Rail	<p>No objections in principle <i>“but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have</i></p>	<p>Noted, no further action. Applicant to note and provide notice of the start of works. Note imposed.</p>

	<p><i>included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission”.</i></p> <p><i>“Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start”.</i></p>	
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8.2 Non-Statutory Consultees

Consultee	Comments	Officer comments
SWT Conservation Officer	<p><i>Conclusion – “The landscape and public realm work as proposed through this development would continue to preserve the historic and architectural character and appearance of the setting of the conservation area. In summary the proposed landscape public realm and associated works that form part of the regeneration of the Firepool site, would go towards enhancing the setting and wider views of the identified heritage assets. This experience would be further enhanced with the introduction of interpretation boards as part of the public art proposals”.</i></p>	No further action.
SW Heritage Trust (archaeology)	<p>Initial request for a condition was questioned as the same issue is covered by Condition 5 on the Levels and Drainage application which will have dealt with archaeology. SWHT happy to withdraw the condition request on the basis that permission 38/21/0440 ensures that the development is in line with the NPPF and local plan policy.</p>	Condition to be imposed referring to completion of application 38/21/0440.
SWT Tree Officer	<p><i>“The proposed boulevard will not affect any significant existing trees. I note that the current planting plans are indicative and subject to further detail design. I would request that the number of narrow ‘fastigate’ species is limited, and that the number of different species is increased for reasons of biodiversity, disease resistance and aesthetic interest. I think that</i></p>	<p>Specific tree species will be conditioned. A tree pit detail has been submitted. Maintenance will be a Council function although</p>

	<p><i>consideration should be given to planting trees at smaller nursery sizes, rather than the semi-matures and extra heavy standards. Smaller trees tend to establish more easily and ‘catch up’ with the larger trees. Consideration should be given to the amount of space for root growth under hard surfacing and confined by level changes and retaining structures – increase areas of porous surfacing around the trees. After-care and maintenance of the new trees will be very important in the first few years – can we see details for this?”</i></p>	<p>a watering regime will be requested by condition.</p>
<p>SWT Placemaking Officer</p>	<p><i>“In placemaking terms the proposal is broadly acceptable and is welcomed in its quality of the public realm. The general arrangement plan and creation of character areas along the route is also supported. The paving specified adheres to the requirements of the Public Realm Design Guide SPD. However it is unclear what is meant by Hazard Paving; if this is tactile paving could this please match the stone material with either stone or metal studs for the blisters. Concern is raised concerning the asphalt cycle route along the waters edge and it is considered that treating the cycle route in stone setts in the amphitheatre space would make a far more coherent space/focal point to this proposal. Details of the palette of street furniture have not been provided and this is considered important in order to ensure the quality of the public realm. An significant amount of the street furniture is precast concrete and this may be a concern, this is dependent on the quality of the products and their robustness. A such it is suggested that this should be conditioned. It is also a concern the amount of concrete edging to the water feature and the amphitheatre space. The concrete would need to be of the highest quality and be a permanent match for the stone (concrete is known to fade in colour). The LPA would also need to ensure its durability, in particular for potential activities such as skateboarding. A such it is suggested that this should also be conditioned.</i></p>	<p>Matters relating to street furniture and stakeboarders to be conditioned.</p> <p>The concrete casting is in contrast to the paving and will be undertaken by a specialist contractor.</p> <p>The hazard paving will match the general paving and be blister or lined in granite in line with public realm design guide for Core Standard.</p>

	<i>As a general comment, it is disappointing that the art work does not flow through the public realm (e.g. in the design of railings or historic time zones in the paving) since there is an opportunity for this to be an integral part not just standalone pieces”.</i>	
SWT Green Infrastructure Officer	<p><i>“I am generally happy with the revised design and that the design team managed to widen the green strip along the river to 2.5m to improve Biodiversity and wildlife movement along the river.</i></p> <p><i>The eastern side of the development towards the weir and Children's Wood LNR is more sensitive in terms of Biodiversity and widening the green buffer to a 3-meters is welcome.</i></p> <p><i>I think the development green buffer and the canal bank should be designed as one green stripe so that it will be conceived as one wide green stripe. Making a few sections along the canal would be beneficial to ensure the buffer could be designed as one strip and that walls/curbs between the two strips (the development and the EA) are not required. I also think that further coordination regarding the planting proposal would be beneficial.</i></p> <p><i>I agree with EA's suggestion that a River Habitat based BNG Assessment should be carried out for the development since it is different from other areas of the development and would probably require a different design approach.</i></p> <p><i>I am (still) not sure if this is the right size for the amphitheatre adjacent to the river, and I think that it is still not maximizing its potential for greening adjacent to the river. Is there any evidence/programme to support the design and show that this is the size required for the amphitheatre?”</i></p>	<p>Planting detail will be conditioned. See SCC Ecologist comments on BNG.</p> <p>The design and layout of the multi-functional space is discussed at Para 11.58.</p>
Crime Prevention Officer	No objections raised – comments made relating to pedestrian footfall and routes, lighting and bollards specifications, surveillance, street furniture and litter bins, cycle parking, landscaping, maintenance, CCTV, and Secured by Design.	Informative note imposed.
SCC Ecologist	<p><u>“Biodiversity Net Gain</u></p> <p><i>The National Planning Policy Framework makes clear the current expectations for development to achieve Biodiversity Net</i></p>	Assessment of BNG is outlined at Para 11.49.

	<p><i>Gain (BNG) in England. The Framework states underneath section 15, paragraph 174 (d) that development should contribute to enhancing the natural environment by ‘minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’. The Environment Act strengthens this requirement for BNG, however, there is currently a transition period for the Act, and it is expected that 10% Biodiversity Net Gain will become mandatory in the winter of 2023. Once the relevant provisions are in force, the Act mandates projects under the Town and Country Planning Act 1990 to achieve a minimum of 10% BNG. Whilst it is currently not required to achieve a 10% BNG, SES do recognise that the applicant is targeting more than a 10% BNG for the Application Site.</i></p> <p><i>The distinctiveness categories for rivers and streams are focused on the Priority Habitats classification, as defined under Section 41 of the Natural Environmental and Rural Communities Act, 2006. These include the following river types which the neighbouring river does fit into:</i></p> <ul style="list-style-type: none"> <i>• Headwater streams.</i> <i>• Watercourses with water crowfoot assemblages (Habitats Directive Annex I habitat H3260);</i> <i>• Riverine water bodies of high hydro-morphological/ecological status;</i> <i>• Chalk rivers and;</i> <i>• Active shingle rivers.</i> <p><i>The rivers and streams condition assessment as outlined in the metric 3.1 guidance describes on-site physical habitat diversity. It is stated that generally a detailed rivers and streams condition assessment is required. When focusing of the field surveys element, the field element of the rivers and stream condition assessment should include sampling cross sections of the watercourse using the MoRPh methodology. The survey states that it should capture a minimum 20% length of the river within the red line boundary. It is only necessary to apply the</i></p>	
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	<p><i>river condition assessment within the on-site boundary of the intervention site (on-site and off-site). As the EA correctly highlight, in biodiversity metric 3.1 the riparian zone is defined as a 10m zone from the top of the riverbank. The notion of the riparian zone of encroachment would be periodically flooded, and directly influences the hydrological, geomorphological and biological functions and processes within the river channel - as a small point here, GE consulting seem to state this isn't the case here. SES feel the key point EA are putting across is the riparian zone is an intrinsic part of the river system and therefore not considered as a separate habitat within the rivers and streams calculation but as part of the linear feature. Under the metric, the development that is within the riparian zone is explained and defined as 'riparian encroachment'. In the metric, encroachment is defined as: 'A reduction in the quantity/ quality and 'use' of available habitat that forms a specific ecological function for riparian or aquatic specialist species. Whereby, 'use' is defined as the ability of a species to: commute, forage, rest/ dwell, or access as part of its life cycle between aquatic and terrestrial phases'. What GE Consulting are stating in their metric report quite simply is 'The vast majority of the criteria (27 of 32) assessed to determine river condition using the guidance associated with the net gain metric are based on geomorphological features of the channel bed, channel/water margin or bank face. None of these features are being impacted by the proposed development'. If indeed the footpath is being moved away from river margin, SES would tend to agree with GE Consulting that the overall result would be a positive increase in bank and a slight decrease in riparian encroachment. The loss of either quantity or quality of the riparian zone will generally have a bearing on its ecological use and function, and this does not appear to be the case in this instance based on GE Consulting's assessment. What SES do feel is important in this instance is the LEMP to be secured must cover the existing riverbank network to</i></p>	
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ensure the longevity of its functionality does not result in a Biodiversity Net Loss. Additionally, as outlined by GE Consulting, river biodiversity units would certainly be a challenge to incorporate given the engineering challenges, especially considering that the overall biodiversity net gain is already nearly 20% (most of which will directly benefit species likely to utilise the existing site boundary), which we should not discourage for the Application Site. There has been some focus along the river, including the addition of the native planting plan of shrubs and trees that will result in an enhancement of the the 2.5 metre river buffer strip, and this should certainly compensate the 0.004ha of mixed scrub lost along the river bank to facilitate the construction of the cycle path adjacent to the footbridge. However, SES do support the EA's notion that this feels like a missed opportunity to not enhance the riverbank because of a technicality, as some fantastic riparian botanical net gains could be used to enhance along the riverbanks which SES feel should be considered. Smaller plants suitable for riverbanks could include species such as Joe Pye weed Eupatorium maculatum (a great pollinator), woodland phlox Phlox divaricata, monkey flower Mimulus guttatus, blazing star Liatris spicata, wild geranium Geranium maculatum and many more. Ground cover plants which would help with erosion issues could include species such as marsh marigold Caltha palustris and Jasminum nudiflorum for example. Even wet edge meadow mixtures which could include species such as water avans, hedge bedstraw, lady's bedstraw, meadow buttercupt, ragged robin, soft rush, greater birds foot trefoil for example would deliver great gains. The point here is these could probably be easily accommodated and whilst the applicant doesn't necessarily need to consider them, it feels like a great opportunity to do so".

Later comments received:

	<p><u>“Hestercombe House SAC</u></p> <p><i>As highlighted in GE Consulting’s Ecological Impact Assessment (October 2022), Hestercombe House SAC is 3.6km north of the application site. Maximum distance from maternity roost to centre of furthest foraging area for lesser horseshoes is 3.6km, 3.2km and 2.8km respectively. Mean distance from maternity roost to night roosts is around 1.71km (researched gathered from Knight, T., Jones, G., 2009). One individual tracked a maximum distance travelled from roost 3.6km, and this formed part of Holzhaider, J., Kriner, E., Rudolph, B.-U., Zahn, A.’s 2002 radio tracking study. Therefore, SES can conclude that the proposed development is unlikely to have an impact on foraging sites associated with this SAC.</i></p> <p><i>As highlighted in the Technical Guidance in relation to Hestercombe House SAC, Sites that are within Band C means that the survey effort required will depend on whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by horseshoe bats. GE Consulting have stated previously that the site itself is suboptimal in nature due to the surrounding urban/industrial environment, and with it being rather fragmented from other more optimal lesser horseshoe bat features. Nonetheless, GE Consulting have undertaken activity survey as requested by Somerset Ecology Services comprising of two transect surveys on the 17th of August and 27th of September 2022, as well as static detector surveys between the dates of 17th – 22nd August 2022 & 27th September – 2nd October 2022. The survey effort does miss an essential ecological period for lesser horseshoes during later April/early May when pregnant females will be commuting from their hibernation/transitory roosts to their favoured maternity roosts to have their pups in June/July. However, other key commuting periods take place during the autumn to early winter when lesser horseshoes commute from their maternity roosts and more likely in the latter period to their hibernation sites, and GE Consulting’s survey effort does cover parts of this period.</i></p>	<p>No further action required regarding SAC/HRA. Natural England comments detailed above.</p>
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	<p><i>The two transect surveys undertaken in August and September resulted in no recordings/observations of commuting or foraging lesser horseshoes. This is unsurprising, especially given the high directionality of horseshoe species calls and how close a surveyor must be to them to record them in flight (i.e., within 3m or so) due to their calls not travelling far because of attenuation (calls being absorbed by spherical spreading and absorption). However, static detector surveys are far more successful subject to appropriate positioning which in this instance has been done correctly. The static detector surveys also recorded no lesser horseshoe recordings. As the proposal concerning the redline boundary do not propose tree removal and only extends to marginal scrub removal and based on the activity survey results not recording a single lesser horseshoe during an active part of their ecological migratory pattern, I do not foresee a Habitats Regulations Assessment being required at present. However, if you haven't done so already, I would recommend consulting Natural England on this application.</i></p> <p><u>Lighting</u></p> <p><i>The amended lighting plan is a significant improvement on the last one. My only minor comment is the lux level on the most south-west corner is slightly over, around 1.5 lux. It is appreciated that the spill here is not actually going to be on an existing or proposed habitat feature for bats, but it does look to ever impinge on the river so slightly, can this be reduced slightly to ensure nothing above 0.5 lux spills onto the bank/river?"</i></p>	<p>The lighting scheme, Rev 5, has been further amended to avoid spillage.</p>
<p>SCC Rights of Way</p>	<p><i>"...there is a public right of way (PROW) recorded on the Definitive Map that abuts the site (public bridleway T 33/21) at the present time. A long-distance trail, the East Deane Way, abuts the site on a temporary route beside the river".</i></p> <p><i>"The proposed pipeline across the bridleway T 33/21 will need to be authorised through a s50 licence". "On the parallel planning application 38/21/0436, there is a temporary bridleway diversion shown on the</i></p>	<p>Informative added.</p>

	<p><i>application's plans but this does not appear to be shown on the plans for this application 38/21/0440 and therefore there needs to be co-ordination between all the applications".</i></p> <p>Any proposed works must not encroach onto the width of the PROW (public bridleway), ref T33/21.</p> <p>Health and safety should be considered.</p> <p>Informative suggested.</p> <p>Later comments –</p> <p><i>"It is now apparent that the applicant's intention is to stop up the vehicular highway over part of Canal Road. This could leave public rights cul-de-sacced from the public bridleway and from Canal Road. Whilst it is the applicant's intention to still allow non-motorised access following the stopping up, there is the potential that this would only be by permission as opposed to as of right. This would not be an acceptable situation and a method must be found to maintain continuity for public rights to at least bridleway status to ensure there is still a connective network as of right for walkers, cyclists and horse riders. The County Council does not raise objection to the proposal subject to the inclusion of a Grampian condition to control this. 2 The Sustrans promoted route would be heavily impacted by the proposal. Whilst not a formally recorded public right of way, public rights may well exist and therefore the way should be treated as if it were a right of way and afforded considerable mitigation when closed due to construction works. A well signed appropriate alternative route will need to be offered".</i></p>	<p>Informative and Conditions added.</p>
Taunton Disability Action Group	No comments received.	No further action.
RNIB	Verbal comments made at a workshop with the applicant.	No further action.
Taunton Area Cycling Campaign (TACC)	<p>The orange primary route taking people away from the station and through the Trenchard Way junction crossing is illogical as a primary route. The Boulevard route is seen as a more direct route.</p> <p>The Vivary-Station cycle route name suggests a continuous red path all the way</p>	<p>There are two other routes other than the Trenchard Way junction for cyclists to use.</p>

	through. Could a red route be provided on the cycle path portion of the Boulevard?	The use of red tarmac through to the Boulevard is not favoured.
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8.3 Local representation

8.3.1 This application was publicised by 120 letters of notification to neighbouring properties and 6 site notices were displayed around the periphery of the wider Firepool site on the 26 May 2022.

8.3.2 No representations in support or objection were received.

9. Relevant planning policies and Guidance

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

9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

9.3 Relevant policies of the development plan in the assessment of this application are listed below. It should be noted that whilst there are a number of policies that may be related to the wider development of the Firepool site, this is a very specific application that raises very specific planning issues, as such the number of applicable policies is fewer.

Core Strategy 2012

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP5 – Inclusive Communities

CP6 - Transport and Accessibility

CP7 - Infrastructure

CP8 - Environment

SP1 - Sustainable Development Locations
SP2 - Realising the Vision for Taunton
DM1 - General Requirements
DM4 - Design
DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

C6 - Accessible facilities
A3 - Cycle network
I4 - Water Infrastructure
ENV1 – Protection of trees, woodland, orchards and hedgerows
ENV2 - Tree Planting within New Developments
ENV4 – Archaeology
ENV5 - Development in the Vicinity of rivers and canals
D7 - Design Quality
D8 - Safety
D9 - A co-ordinated approach to development and highway planning
D13 - Public Art

Taunton Town Centre Area Action Plan 2008

Fp1 – Riverside - Development content
Fp2 – Riverside - Transport measures
Tr3 – Smarter Choices
Tr6 – Developer Contributions to Transport
Tr9 – Bus Priority
Tr10 – Cycle Schemes
Tr11 – Signing
F1 – Development in the Floodplain
ED1 – Design
ED2 – Public Art

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (Version 2 March 2022)

Neighbourhood Plans

There is no made Neighbourhood Plan for the area

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development

3. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

10. Local Finance Considerations

Community Infrastructure Levy

The application is for an access which is a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

11. Material Planning Considerations

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

- The principle of development
- Prematurity – development in advance of a Masterplan
- Layout, Transport, Movement and Active Travel
- Heritage and Archaeology
- Landscaping and Arboriculture
- Ecology
- Flooding and Drainage
- The impact on neighbouring residential amenity

Principle of Development

11.2. Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and the three approvals granted in 2022 were important first steps towards achieving that objective.

11.3. The Firepool site has been vacant for over a decade and there is very strong support within the local community for it to be redeveloped. This application therefore represents an exciting proposition to establish the principle street and area of public realm for the development.

11.4. To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies

and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

- 11.5. The redevelopment of the application site which forms part of a key brownfield site (Firepool) within Taunton's Town Centre, is supported by the Development Plan and is an important part of its strategy for Taunton. The clear focus of long-established national and local planning policy is to secure sustainable patterns of redevelopment and regeneration through the efficient use of previously developed urban land and through concentrating development in accessible locations. Paragraph 120 c) states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for development needs.
- 11.6. The Development Plan echoes the rhetoric of the above. The Core Strategy (Policy SP1) makes it clear that the Taunton urban area will remain the strategic focus for growth and will be the focal point for new development. It states that priority has been given to the regeneration and expansion of the town centre, with a number of strategic sites allocated in the adopted Taunton Town Centre Area Action Plan (2008). Meanwhile, Policy DM1 seeks to ensure new development makes the most effective and efficient use of land, giving preference to the recycling of previously developed (brownfield) land. It also sets out the scale of additional office and retail space that the vision for Taunton will require.
- 11.7. The adopted Taunton Town Centre Area Action Plan (TCAAP, adopted 2008) identifies Firepool as a focus for major regeneration within Taunton town centre. In the TCAAP, Firepool is comprised of a number of sites surrounding Taunton station, the Bridgwater & Taunton Canal and the River Tone, with individual policies allocating each site and identifying the policy expectations for development. Policies Fp1 and Fp2 of the TCAAP deal with "Riverside" which comprises land either side of the River Tone, the site of the former livestock market and other buildings on the north side, and former surface car park on Priory Bridge Road on the south side. The TCAAP states that "the primary role of this allocation will be as a strategic office site, providing the main focus for future office development in Taunton". The application site falls within the area allocated by Policies Fp1 and Fp2.
- 11.8. Policy Fp1 sets out the development content for the site as an office-led, mixed-use development comprising offices, retail and leisure, residential, multi-storey car park, hotel and other uses. Of key relevance to this application, policy Fp1 includes a requirement for the site to deliver "a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road".

- 11.9. Policy Fp2 sets out the transport measures which will be required to accompany the development. Of key relevance to this application, policy Fp2 refers to the development providing “a priority bus and cycle route from the railway station via the boulevard to Priory Bridge Road, including high-quality provision for waiting passengers” and “high-quality pedestrian and segregated cycle routes along each bank of the River Tone”.
- 11.10. Numerous proposals have been tabled for the development of the Firepool site since its allocation, with a retail-led mixed-use scheme being refused in 2016 and an amended application approved with conditions in 2019 (38/17/0150). However, the 2019 permission is understood to have expired in March 2019. The 2019 retail-led permission included a pedestrian boulevard with retail uses fronting it.
- 11.11. However, circumstances have changed since the site was allocated in the TCAAP, and further still since the retail-led proposal was considered and approved, including:
- Markets for both town centre office and retail would appear to have changed quite significantly;
 - the COVID pandemic hit in early 2020, followed by an accompanying recession and plans for economic recovery to “build back better”;
 - Somerset West and Taunton Council came into being (April 2019);
 - the Council has declared a Climate Emergency (February 2019) and Ecological Emergency (November 2020) – setting out how it commits to working towards carbon neutrality by 2030 in the adopted Somerset Climate Emergency Strategy (October 2020) and SWT Carbon Neutrality and Climate Resilience Action Plan (October 2020);
 - the Council has set out its Vision for Taunton Garden Town (July 2019);
 - adopted a Garden Town Charter and Checklist (December 2019);
 - has adopted a Districtwide Design Guide SPD and Taunton Garden Town Public Realm Design Guide SPD (December 2021);
 - an Innovation Centre has been permitted by SCC on ‘Block 6’ of Firepool and an office, building, regeneration of the GWR building and proposals for the “northern boulevard” have been approved immediately to the north of this site. An application seeking to raise levels and deliver various drainage solutions across the part of the Firepool site north of the river and south of Canal Road (covering the current application site) has also recently been permitted.
 - The Government has published its “Gear Change” vision to make England a great walking and cycling nation, and Local Transport Note (LTN 1/20) cycle infrastructure design guidance.
 - The Taunton Local Cycling and Walking Infrastructure Plan (LCWIP) has been published and the Council is consulting publicly on “Connecting our Garden Communities” which builds on the LCWIP and will set out a plan for delivering modern and futureproofed walking and cycling links for key developments across Taunton Garden Town – including Firepool.

11.12. As such, some of the policy context for the site (specifically the development mix proposed by policy) is out of date. As a result, the Council, as Developer, is producing a Firepool Masterplan and accompanying Design Guidance, and the Council as LPA is working with the Developer to ensure that it can support the proposals. A Planning Performance Agreement has been signed between the two distinct parties within the Council with a view to working transparently and proactively in the development of the Masterplan. The intention is for the LPA to be able to approve a Masterplan as a means of providing an up to date, holistically considered and evidenced context which can act as a material consideration in the determination of subsequent individual planning applications for development within the site. The submission references this wider Masterplan work going on and includes indicative information in relation to surrounding plots to be covered by the Masterplan. A draft Masterplan is currently going through the democratic process with a recommendation to the Executive Committee on 16 November 2022 for there to be public consultation prior to seeking adoption as a material planning consideration.

Prematurity – Development in advance of Masterplan

11.13. The proposed area of public realm is being brought forward in detail in advance of similar detail for adjacent buildings and will be developed in advanced of any detailed planning permission being granted for such buildings. This is due to the availability of Future High Streets Funding, which is time limited.

11.14. The revised NPPF (July 2021) provides policy support for the application proposals. In addition to the presumption in favour of sustainable development, the following paragraphs are pertinent:

- Paragraph 38 states that decision-makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity.
- Paragraph 118 states that planning decisions should give substantial weight to the value of reusing brownfield land within settlements and promote and support the development of under-utilised land and buildings.

11.15. So, in order to consider this application in as defined a context as possible and achieve the funding requirements and the aims and objectives of the NPPF the LPA has been working with the Council as applicant/developer, to develop a Masterplan with a revised mix of uses for the wider Firepool site. This will be subject to public consultation in the coming months before its adoption as a material planning consideration. It is understood the Council's objective is to commence enabling works, as soon as possible. Whilst ideally this application would have waited to be informed by a site-wide Masterplan the LPA is required to determine the application before it.

- 11.16. The LPA must therefore proceed on the basis that this planning application should be treated on its merits and on the balance of considerations applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy.
- 11.17. If, due to the way the Southern Boulevard has been designed, it later causes a constraint to development potential, then any financial risk in this 'cart before the horse' approach lies with the applicant. This will ultimately only be known post-Masterplan when planning applications are submitted for assessment within the remaining parcels. The previous approval for the St Modwen scheme was a comprehensive development inclusive of infrastructure work led by a proposed final design where one knew where buildings were going to be located, trees planted, and roads constructed. The likelihood of issues occurring has been mitigated as far as possible by running the Masterplan process in parallel and with constant cross referencing and consultation with relevant stakeholders. As such it is considered the design of the Southern Boulevard is as robust and flexible as it can be at this moment in time.
- 11.18. Significant weight should also be given to the potential economic benefits, the value of re-using brownfield land by facilitating the actual delivery of development on a site that has lain vacant for over a decade which is supported by national and local policy. The availability of time-limited third-party funding for a site that has challenging economic viability is an opportunity too good to frustrate.
- 11.19. The Local Planning Authority also must assess whether the information it has within the Environment Statement is sufficient to determine the application now before it. The Local Planning Authority is of the view that based on the information submitted with and subsequently acquired in connection with the application is adequate to form the view that the application would not have any further environmental effects.
- 11.20. In conclusion on the general policy assessment, it is considered the proposed development accords with strategic non-site specific Core Strategy policies such as SD1 (Presumption in Favour of Sustainable Development), SP1 (Sustainable Development Locations) and SP2 (Realising the Vision for Taunton).

Layout, Transport, Movement and Active Travel

- 11.21. The proposal was presented to the SWT Quality Review Panel (QRP) in March 2022. The views given informed the application submission and included an increase in tree planting, the defining of character areas, provision for future bus connections, to consider and mitigate pedestrian/cyclist conflict, a greater landscape-led emphasis should be

enacted and the need to think holistically about the interrelationship with the wide masterplan and adjoining uses. The Southern Boulevard was then again reviewed when the emerging masterplan was considered by the QRP in August 2022. Again the role the whole of the Boulevard as a major part of the site in delivering active travel, biodiversity and green infrastructure was acknowledged. The QRP reports are attached as Appendix 2.

- 11.22. This application primarily provides for and encourages active travel by the inclusion of high-quality pedestrian and cycling infrastructure. The Firepool site forms an important part of the jigsaw in the TAAP aim to provide a cycle linkage from Vivary Park, through the town centre to the Railway Station, as well as the riverside route facilitating such to the wider hinterlands from the east into the town centre and visa versa.
- 11.23. Whilst a segregated cycle route is proposed through the boulevard it is likely in time, and this is being planned for in the Masterplan, that adjacent corridors would become (equally) more popular with users who would want to travel through the site (rather than use it as a destination). This is likely to result in the majority of boulevard cyclists using the route to reach a specific destination within that space. There are a number of locations where there could be potential conflict with pedestrians, and there will be a need to ensure that appropriate signage is provided to ensure that all users are aware of the expected priorities. Details of signage is covered by condition.
- 11.24. The planning and design of a new space such as the Boulevard requires consideration and assessment for use by those with disabilities. The application has been presented to and received feedback from the SWT Disability Forum and RNIB. Details of the application were also sent to Taunton Disability Action Group. An Equality Impact Assessment will be undertaken by the Council prior to works commencing. Changes to the scheme have already been made to address concerns and this includes increasing visibility at key intersections, provision of appropriate textured paving to guide those with visual impairments and the provision of a ramp to the water feature.
- 11.25. The other significant part of the application is the Riverside cycleway/footpath which will connect from the multi-functional space eastwards to the existing bridge. Some discussion has taken place during the application process as to the desired width of this segregated route, which will, in time, continue further east, alongside the river to Firepool Lock. This discussion has boiled down to what LTN 1/20 requires and has led to a proposed 3m segregated cycleway and 2m wide separate footway for pedestrians, which is agreeable. The cycleway/footpath is separated from the river by an avenue of trees and a planted strip.
- 11.26. On the back edge of the cycleway/footpath will be lighting which has been specifically designed to avoid spill onto the river and protect bats. Whilst

there was initial concern about lighting, the revised design and the proposed specification has quelled those concerns and means the riverside path will be safer than it would be unlit.

- 11.27. The Boulevard similarly includes lighting to enhance features, encourage the night-time economy, to create vibrancy and contribute towards public safety.
- 11.28. In terms of vehicular traffic the most notable impact is the crossing of Canal Road by the Boulevard. This will prevent vehicles being able to travel any further east than the approved access to the new SCC Innovation Centre and requires a Stopping Up Order which is ongoing. The proposed stopping up of Canal Road also has some implications for the recorded Right of Way. The application will be conditioned to allow phasing, in the event the stopping order frustrates the area of the Boulevard crossing Canal Road then the remainder of the Boulevard can still go ahead as planned and as funded.
- 11.29. The point at which the Boulevard crosses Canal Road is designed to allow for future use as a bus gate if necessary. There are no current plans to bring a bus route from Trenchard Way into the site and out onto Priory Bridge Road via Canal Road, but the allowance has been made just in case. This 'built for not with' allowance seeks to address the policy aspiration set out in Policy Fp1 which sought a bus route through the site on a northeast to southwest axis, to continue through to the Morrisons supermarket site and onwards into the town centre. SCC has no plans for such a route and the Morrisons site is currently not available for redevelopment and as such the Boulevard design, other than the bus gate opportunity, does not facilitate such a route. If the Morrisons site did become available and there was a desire for a bus route through it and/or through the Firepool site at that time then Canal Road still could provide that connectivity option.
- 11.30. A further important role of the boulevard to consider is that of cricket fans arriving by train. Cricket fans would presumably head by foot/cycle along the boulevard, potentially visiting the uses along it and then cross Priory Bridge Road to the County Ground. At the southern end of the boulevard the proposals skirt around the top of the proposed multi-functional space and link to relocated and improved stairs up to Priory Bridge Road, but then there is no crossing facility here towards the County Ground. The lack of a crossing here highlights a wider issue with the site and the piecemeal approach and that is the fact the detailed applications to date really only look to solve issues within the red-line and do not cater for onward connectivity. This is a matter for the Masterplan to resolve; or in this specific case of a crossing it may be felt this is as much an issue for the Cricket Club themselves to resolve.
- 11.31. One area which requires attention as part of this application it is felt is the general environment under the bridge at Priory Bridge Road as it does not

accord with the general objective for a high quality link between the town centre and the railway line. The applicant is aware of the matter and a condition will be imposed.

- 11.32. This is made more important because initially a bridge was proposed from the multi-functional space to the south side. This was removed when the purpose and value of the bridge, given the cost, was explored further. For cyclists it is better to keep to the north side where the headroom under the Priory Bridge is better than on the south side and the width of cycle path along to the Bandstand area is wider than that on the south side behind the County Cricket Ground. In addition, there is already a bridge just further west and a new bridge proposed at the Bandstand area. The potential for a bridge serving Firepool is contained at requirement g) in Policy FP2.
- 11.33. In terms of the general design the palette of materials and the type of street furniture echoes that already approved in the Northern Boulevard and the requirements of the SWT Public Realm Design Guide. The guide seeks to ensure a consistent approach to public realm throughout Taunton Town Centre.
- 11.34. With respect to Public Art the submitted strategy is welcomed. The boulevard and public realm within will need to play an important role in providing for public art at Firepool. However, neither this document nor the planning statement refer to the important locational and site specific guidance re public art included within the Town Centre Design Code SPD or the Taunton Public Art Design Code. There is also important guidance on public art and integration within site design and public realm within both the Districtwide Design Guide SPD and the Taunton Garden Town Public Realm Design Guide SPD. The applicant's approach to public art has been to propose a condition requiring the submission of a specific scheme within 6 months of starting this scheme on site. Members may wish to amend this condition or strengthen/guide its requirements further.
- 11.35. Overall, considering the extent and nature of the application it achieves requirements h), j), k) and l) of the TTAAP and doesn't prejudice future adherence with the remaining requirements of Policy Fp1.
- 11.36. Similarly, when assessing Policy Fp2 the application contributes towards requirements b), f) and h). Requirement d), namely a priority bus and cycle route from the railway station via the boulevard to Priory Bridge Road also covered by Tr9 (Bus Priority), is discussed above, as is requirement g) shared pedestrian and cycle bridges across the River Tone. This application doesn't prejudice future adherence with the remaining requirements of Policy Fp2.
- 11.37. The proposal, insofar as it promotes low-carbon/active travel accords with Core Strategy policies such as CP1 (Climate Change), CP5 (Inclusive

Communities), CP6 (Transport and Accessibility), CP7 (Infrastructure), CP8 (Environment), DM1 (General Requirements) and DM5 (Use of Resources and Sustainable Design), SADMP Policy A3 (Cycle Network) and Policies Tr3 (Smarter Choices), Tr6 (Developer Contributions to Transport), Tr10 (Cycle Schemes), Tg4 (Pedestrian and Cycle Network) of the TTAAP and Somerset West and Taunton Council's Climate Positive Planning document.

- 11.38. In terms of Design the development accords with Core Strategy policies DM4 due to the presence of and adherence to the TTAAP, ED1 (Design) and ED3 (Mixed Use), SADMP Policy D7, D8 and D9 and the Public Realm Design Guide for the Garden Town. For the general accessibility of facilities it accords with Policy C6 of the SADMP as well as its approach to Public Art, Policy D13.

Heritage and Archaeology

- 11.39. There are a number of designated heritage assets in the immediate vicinity surrounding the site including the Firepool Pumping Station, a cluster of buildings around Taunton Station, GURDS and the Former Shirt and Collar Factory Premises of Barnicotts Limited Printers, all of which are Grade II Listed, plus Staplegrove Road Conservation Area. These heritage assets will not be adversely impacted by the proposal. SADMP policy ENV4 is relevant. The views of the SWT Conservation Officer are noted.
- 11.40. The alignment and design of the boulevard also present a significant vista towards St James' Church and Taunton Minster, the Church of St Mary Magdalene.
- 11.41. Impact on the Canal – The lock has been identified as a non-designated heritage asset. Policy ENV5 of the SADMP is also relevant. It is considered the proposed Boulevard and riverside cycle/footway pose no setting issues to the lock.
- 11.42. With respect to archaeology, a Written Scheme of Investigation (WSI) supported the previous application for Levels and Drainage – 38/21/0440 and a condition referring to its implementation has been imposed in that consent. Given it is suggested this application is conditioned to only commence once that previous consent has been fully implemented then archaeological interests will be preserved.
- 11.43. In light of the above, it is considered that the proposals comply with the NPPF and Policy CP8 of the Core Strategy as well as Policies ENV4 and ENV5 of the SADMP.

Landscaping and Arboriculture

- 11.44. Policy ENV1 provides for the protection of trees and other green infrastructure, seeking for development to minimise its impact in this respect or otherwise providing adequate replacement tree provision to compensate.
- 11.45. There are very few, if any trees, or indeed any greenery, of any significance on the site. One category B sycamore on the boundary with Priory Bridge Road has some presence and is to be retained. Tree protection fencing will be conditioned for this tree.
- 11.46. There are several small lime trees along the riverbank which will be removed as part of application 38/21/0440.
- 11.47. Policy ENV2 seeks to encourage the planting of new trees in a development and this application proposes significant urban tree planting which more than compensates losses and provides the green infrastructure backbone to the proposal. The views of the SWT Tree Officer are noted and suitable conditions will be imposed.

Ecology

- 11.48. An accompanying Ecological Statement describes the site as of low ecological interest and opines there will be no impact on designated sites in the area.
- 11.49. In terms of Biodiversity Net Gain (BNG) the site is starting from a low base but does have a river frontage. The National Planning Policy Framework makes clear the current expectations for development to achieve BNG in England. The Framework states underneath section 15, paragraph 174 (d) that development should contribute to enhancing the natural environment by *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*. The Environment Act strengthens this requirement for BNG, however, there is currently a transition period for the Act, and it is expected that 10% BNG will become mandatory in the winter of 2023. Once the relevant provisions are in force, the Act mandates projects under the Town and Country Planning Act 1990 to achieve a minimum of 10% BNG. So whilst this project is not legally required to achieve a 10% BNG, it is recognised that the applicant is targeting more than a 10% BNG.
- 11.50. The BNG assessment undertaken indicates a 20% gain, the enhancements in hedge/shrub planting, rain garden creation, pond/water feature creation, circa 100 street trees and grassland improvement on the riverbank all contribute to achieving this.

- 11.51. External lighting has been a matter of some discussion especially alongside the river, which has public access at present but is unlit. A delicate balance has been achieved to promote use of the site at night and maintain public safety whilst acknowledging and mitigating potential wildlife impacts.
- 11.52. In light of a court Judgement (known as Dutch N), Natural England have advised the Local Planning Authority that in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Appropriate Assessment. However, the application proposals do not contain any of the uses which would give rise to an increase in nutrient loadings at the wastewater treatment works and so a project level Appropriate Assessment is not required to be undertaken in this case (see Paragraph 7 above).
- 11.53. In light of the above, it is considered that the development complies with the NPPF and the relevant criterion (c) within Policy DM1 of the Core Strategy.

Flooding and Drainage

- 11.54. The area of the Firepool site covered by this application currently falls within Flood Zones 2 and 3 (the zones of medium and highest risk respectively). Due to the location of the site, the flood risk source is fluvial and specifically from the overtopping of the adjacent River Tone.
- 11.55. One aim of the previously approved application 38/21/0440 was to raise the level of the Firepool site out of the flood risk zone hereby making it appropriate for residential, commercial and retail development. Once those works are undertaken this proposed application simply involves the top final dressing. As such so long as application 38/21/0440 is fully implemented then this application does not pose any additional flood risk and itself will be protected from flood events. It is therefore appropriate that the commencement of this application is predicated on the completion of application 38/21/0440 and a condition to this effect is suggested.
- 11.56. In light of the above, it is considered that the development complies with the NPPF and Policies CP1, CP7 and CP8 of the Core Strategy, and I4 of the SADMP.

Impact on Residential Amenity

- 11.57. Works of the nature proposed here inevitably cannot be undertaken without some impact on residents. Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with. To mitigate as far as possible these impacts a Construction Management Plan will be secured via condition. It is

also worth acknowledging that it is entirely possible that several projects within the domain of Firepool will be carried out at the same time. As such clear lines of communication with local residents is imperative.

Other issues

- 11.58. The Green Infrastructure Officer has raised a concern relating to the size of the multi-functional space and thereby the extent of hard surfacing. The shape and design of this space has evolved over time and has been 'green-up' to address concerns. However, as the name implies the ability to hold a variety of different functions and activities is at the very heart of its provision to ensure Firepool is a destination and as a place where people can dwell in a unique riverfront environment. The nature of events to be held in the space is not known but the aspiration is evident, as such it is a matter of opinion as to whether it is too large or not green enough.
- 11.59. Wessex Water has commented on access to their syphon infrastructure and the applicant is agreeing the access routes that can be provided in the short and medium term whilst the development is taking place. The site wide Masterplan proposes a long-term solution but that is still a long way of fruition. A solution will have to be found and so this is not felt to be a reason to withhold the application from progressing.

12. Planning Balance and Conclusion

- 12.1. Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and this planning application proposal is another vital step towards achieving that objective. The Firepool site has remained vacant for over a decade and there is strong support within the local community for it to be redeveloped. A new Masterplan and revised mix of uses for the wider Firepool site is being prepared and the Council's objective is to deliver the site itself, starting with the commencement of enabling work on the application site as soon as possible.
- 12.2. Whilst that Masterplan is being produced this planning application should be treated on its merits and on the balance of considerations, applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy. It is concluded that the proposal accords with the Development Plan, read as a whole.
- 12.3. Significant weight should be given to catalytic effects of this proposal to finally realise the economic benefits of the wider proposals, the value of re-using brownfield land, the intended high quality of the overall regeneration project and that the application will facilitate the actual delivery of

development on a brownfield site that has remained vacant for over a decade.

- 12.4. The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.
- 12.5. It is considered that the tangible benefits of the scheme outweigh any minor residual concerns. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1.
- 12.6. In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and informatives

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 and documents:

FB5-AHR-S1-XX-DR-L-08100_P03	Location Plan
FB5-AHR-S1-XX-DR-L-08101_P04	Existing Site Plan
FB5-AHR-S1-XX-DR-L-08102_P04	Proposed Site Plan in Context of Wider Site
FB5-AHR-S1-XX-DR-L-08200_P04	Proposed Site Plan
FB5-AHR-S1-XX-DR-L-08220_P04	Hard Landscape Plan
FB5-AHR-S1-XX-DR-L-08224_P04	Street Furniture Plan
FB5-AHR-S1-XX-DR-L-08230_P04	Soft Landscape Plan
FB5-AHR-S1-XX-DR-L-08300_P06	Site Sections (Sheet 1)
FB5-AHR-S1-XX-DR-L-08301_P06	Site Sections (Sheet 2)
FB5-AHR-S1-XX-DR-L-08400_P03	Rivers Edge Proposed Sections
FB5-AHR-S1-XX-DR-L-08500_P01	Tree Pit Details
21137_105 (P1)	Phasing Plan
21137_152 (P3)_	General Arrangement Boulevard
21137_503 (P3)_	Boulevard Drainage Layout
21137_550 (P1)_	Section through Boulevard Swale
	Drainage Construction Details
	Southern Boulevard
21137_SKC15 (P2)_	Southern Boulevard Tanker Swept Path

 - Planning Statement by Avison Young dated 17 May 2022;
 - Design and Access Statement P04 by AHR
 - 1610 - Southern Boulevard Lighting and Power Proposals Rev 3 by Method Consulting
 - 1610OTF-MET-SB-XX-RP-ME-6301 Relux Report Rev 5

- 1610OTF-MET-SB-XX-SH-E-6383 External Luminaire schedule P03 by Method Consulting
- 1610OTF-MET-ZZ-SB-DR-E-6304-S2-P03_External Lighting Southern Boulevard by Method Consulting
- 1610OTF-MET-ZZ-SB-DR-M-9002-S2-P03_External Services Southern Boulevard
- 21137 Southern Boulevard Works Ground Conditions Assessment Report V2 by Jubb
- 21137 Flood Risk and Drainage Strategy V2 by Jubb
- 21137 TN08 Cycle Assessment Note V3 by Jubb
- CR1073 – Heritage Note 22 April 2022 by Cotswold Archaeology (Southern Boulevard)
- Archaeology WSI by Cotswold Archaeology (Approved for Wider Firepool Site Drainage and Enabling Works) October 2021
- Heritage Desk Based Assessment by Cotswold Archaeology (Approved for Wider Firepool Site Drainage and Enabling Works) July 2020
- Ecological survey by Cotswold Wildlife Surveys v2 dated 17 May 2022
- Ecological Impact Assessment by GE Consulting dated 11 October 2022
- Biodiversity Checklist by Avison Young
- Tree Survey by Aspect (Firepool Site Wide) June 2021
- Tree Constraints Plans Sheets 1-7 (Firepool Site Wide) June 2021
- Statement of Community Involvement by Avison Young dated 17 May 2022
- Public Art Strategy v02 by Ginkgo
- Climate Emergency Checklist and Sustainability Checklist by Avison Young
- Environmental Statement Addendum for Southern Boulevard by Avison Young May 2022

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

3. The development hereby approved shall not be commenced until it has been confirmed and demonstrated that application 38/21/0440 has been sufficiently completed, unless otherwise agreed in writing. Reason: To ensure measures to remediate the land from contamination and reduce flood risk have been suitably completed. Reason: To ensure future users are not at risk from ground contamination or flood risk to accord with the National Planning Policy Framework.
4. No development shall take place in the area identified as Phase 2 on Phasing Plan 21137_105 (P1) until and unless a formal Stopping Up of Highway Order relating to Canal Road has been granted. Prior to the commencement of Phase 2, on Phasing Plan 21137_105 (P1) bridleway rights must be secured to the satisfaction of the Local planning Authority, to replace the connection that will be lost by the stopping up of Canal Road. Reason: In the interests of proper planning and highway management.
5. Once the planning application has commenced the bridge across the River Tone located to the east of the proposal shall only be used thereon by pedestrians, cyclists, maintenance vehicles in connection with the wider Firepool site or for controlled and managed access to the amphitheatre known

as Waterfront Place hereby approved. Within 2 weeks of site works commencing details of removable bollards (or similar alternative) to be located at each end of the bridge shall have been submitted to, approved in writing by the Local Planning Authority and installed in accordance with the approved details. Alongside this detail a scheme shall be submitted to and approved detailing how access will be managed. The development shall be carried out in accordance with the approved scheme. Reason: In the interests of pedestrian and cyclist safety to accord with the National Planning Policy Framework.

6. Within 6 months from the commencement of work the applicant shall submit to the Local Planning Authority for approval a scheme for the installation of the first phase of public art within the southern boulevard. The scheme shall also include a timetable for installation. Once approved the agreed scheme shall be fully implement in accordance with the agreed timetable. Reason: To accord with Policy D13 of the SADMP.
7. Notwithstanding the approved plan DrNo. FB5-AHR-S1-XX-DR-L-08224_P04 details of all street furniture shall be submitted to and approved in writing by the Local Planning Authority before installation. Reason: To ensure compliance with the SWT Public Realm Design Guide.
8. Prior to the first public use of any part of the development hereby approved a scheme for the improvement of the public realm immediately underneath and immediately adjoining Priory Bridge, Priory Bridge Road, including a timetable for implementation, shall of first been submitted to and approved by the Local Planning Authority. The scheme should include the enhancement of surfacing, landscaping, lighting and the functionality for cyclists, pedestrians and those with mobility impairments. The scheme shall also demonstrate best endeavours to include measures to extend, enhance and connect the existing riverbank wildlife corridor. Reason: To accord with Policies Fp1 and Fp2 of the Taunton Area Action Plan, Policy CP8 of the Core Strategy and Policies D7, D8 and ENV5 of the SADMP.
9. Prior to the first public use of any part of the development hereby approved a scheme of signage and wayfinding shall of first been submitted to, approved by the Local Planning Authority and fully implemented in accordance with the approved details. The scheme shall include signage to direct to key destinations within and outside the site and include instruction to cyclists. Reason: To accord with Policy Tr11 of the Taunton Area Action Plan.
10. Prior to the first public use of any part of the development hereby approved a scheme to discourage misuse of the public realm through anti-social behaviour associated with skateboarding shall of first been submitted to, approved by the Local Planning Authority and fully implemented in accordance with the approved details. Reason: To ensure potential conflicts with the use of the site and those with disabilities is well considered to accord with Policy D8 of the SADMP.
11. A revised landscaping/planting scheme informed by DrNo. FB5-AHR-S1-XX-DR-L-08230_P04_P1 shall be submitted to and approved by the Local Planning Authority prior to any soft landscaping works taking place. The scheme shall include all tree species and details of a watering regime and five-year maintenance plan for all trees. A specific scheme of planting to enhance biodiversity on the riverbank and adjacent planting buffer shall be submitted as part of the revised landscaping/planting scheme.

The agreed landscaping/planting scheme shall have been completely carried out by the end of the first available planting season after the first use of the development by the public. For a period of ten years after the completion of the development, the trees and shrubs shall be protected and maintained 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 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

12. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area of adopted highway to be surveyed must be agreed by the Highway Authority prior to the survey being undertaken. The survey must consist of:
- a) A plan to a scale of 1:1000 showing the location of all defects identified;
 - b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
 - c) A timetable for the 'making good' of any defects (in this regard all work should be to the satisfaction of the Highway Authority)

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in the interest of highway safety to accord with the National Planning Policy Framework.

13. 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 in accordance with a timescale that shall have first been agreed in writing with the Local Planning Authority prior to the commencement of works. Reason: In the interest of localised flooding to accord with the National Planning Policy Framework.
14. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been 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. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. The fencing shall be maintained and retained for the full duration of development works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

15. No development approved by this permission shall be commenced until a plan is submitted demonstrating there is no loss of cross section area within the river channel because of the works, and that the riverbank slope is safe to allow maintenance by hand. This to be approved by the LPA. Reason: To prevent the increased risk flooding and to allow safe maintenance to accord with the National Planning Policy Framework.
16. 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:
- a) Site security.
 - b) Fuel oil storage, bunding, delivery and use.
 - c) How both minor and major spillage will be dealt with.
 - d) Containment of silt/soil contaminated run-off.
 - e) Disposal of contaminated drainage, including water pumped from excavations.
 - f) 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.
- Reason: To prevent pollution of the water environment to accord with the National Planning Policy Framework.
17. 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 local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. Reason: To prevent increased risk of pollution to the water environment to accord with the National Planning Policy Framework.
18. No development shall commence on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority for that identified phase or works. In discharging this condition the following information shall be supplied:
- a) A 24-hour emergency contact number;
 - b) Locations for the storage of all plant, machinery and materials;
 - c) Details of fuel oil and chemical storage, bunding, delivery and use, including how both minor and major spillages will be dealt with.
 - d) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
 - e) The proposed hours of operation of construction activities;
 - f) Construction delivery hours;
 - g) Expected number of construction vehicles per day;
 - h) Car parking for contractors;
 - i) A scheme to encourage the use of Public Transport amongst contractors;
 - j) Measures to avoid traffic congestion impacting upon the Strategic Road network;
 - k) Measures to protect vulnerable road users (cyclists and pedestrians);
 - l) Any necessary temporary traffic management measures;
 - m) Arrangements to receive abnormal loads or unusually large vehicles;

- n) Site security, inclusive of details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- o) The control and removal of spoil and wastes;
- p) Containment of silt/soil contaminated run-off;
- q) Disposal of contaminated drainage, including water pumped from excavations;
- r) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
- s) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- t) Sound attenuation measures incorporated to reduce noise at source (to include specific reference to piling activities);
- u) Details of measures to be taken to reduce the generation of dust;
- v) Site induction for workforce highlighting pollution prevention and awareness;
- w) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; and
- x) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The agreed Construction Environmental Management Plan shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety, to protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution.

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation 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 LEMP 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 LEMP will be implemented in accordance with the approved details. Reason: In the interests of the 'Favourable Conservation Status' of populations of

European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

Notes

1. In accordance with the National Planning Policy Framework the Council and relevant statutory consultees have worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted a footpath is built on or otherwise interfered with.
3. The applicant is advised to contact Network Rail Asset Protection Team via at least 3 months before works commence to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required.
4. The applicant is advised to consider the comments from the Crime Prevention Officer (Avon and Somerset Constabulary) dated 9 June 2022.
5. In order to fully implement the development hereby approved here is a requirement for a stopping up order to be processed before any works could commence within Canal Road, and the applicant should note the requirement for an appropriate licence / agreement to cover any works that could affect Priory Bridge Road.
6. With respect to Condition 04 - The development includes the carrying out of work on the adopted highway. You are advised that before undertaking work on or affecting the adopted highway (including any structure) you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out. NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.
7. With respect to Condition 08 the aspiration in imposing the condition is to seek viable and proportionate improvements to the general environment underneath and immediately adjacent to the bridge which forms a part of the general linkage between Firepool and the town centre. This will require the facilitation of discussions with the Highway Authority with it being understood the Highway Authority will have final say on what is and isn't possible and that the Highway Authority or others may have some responsibility to undertake or could be encouraged to make certain improvements themselves. The timetable may phase various improvements to take place before and after the first use of the development. The condition is not envisaged to be a barrier to development but seek best endeavours to improve an existing situation.
8. With respect to Condition 13 - Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will the Highway Authority accept private infrastructure being connected into highway drainage systems.

- Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
9. The applicant should ensure there is an appropriate signed alternative to the Sustrans promoted route during the course of construction works.
 10. The applicant is advised of these comments from the Environment Agency-
 - a) The applicant should ensure measures are taken to prevent the runoff of any contaminated drainage during the construction phase.
 - b) 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.
 - c) 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.
 - d) Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.
 - e) If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.
 - f) 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>. The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Appendix 2 – Quality Review Panel Reports (March 2022 and August 2022)



Somerset West and Taunton Quality Review Panel

Report of Formal Review Meeting: Firepool

Monday 15 August 2022
Via Zoom

Panel

Andrew Beharrell (chair)
Irfan Alam
Lise Benningen
Gabriela Costa
Phil Jones

Attendees

Simon Fox	Somerset West and Taunton Council
Fiona Webb	Somerset West and Taunton Council
Omri Ben-Chetrit	Somerset West and Taunton Council
Jennifer Clifford	Somerset West and Taunton Council
Sarah Leete-Groves	Somerset West and Taunton Council
Dan Friel	Somerset County Council
Edward Bailey	Frame Projects
Abigail Joseph	Frame Projects

Apologies / report copied to

Alison Blom-Cooper	Somerset West and Taunton Council
Graeme Thompson	Somerset West and Taunton Council
Kate Murdoch	Somerset West and Taunton Council
Deborah Denner	Frame Projects

Confidentiality

This is a pre-application review, and therefore confidential. As a public organisation Somerset West and Taunton Council is subject to the Freedom of Information Act (FOI) and, in the case of an FOI request, may be obliged to release project information submitted for review.

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1. Project name and site address

Firepool, Canal Road, Taunton, TA1 1QS

2. Presenting team

Tim Bacon	Somerset West and Taunton Council
Joe Wharton	Somerset West and Taunton Council
Rachel Papworth	J Price Consulting
Jim Price	J Price Consulting
Adam Spall	AHR Architects
Elliott Kelly	Avison Young
Peter Stockall	Avison Young
David Gwilliam	Jubb

3. Planning authority briefing

The Firepool masterplan was subject to review by the panel on 30 September 2021. The Southern Boulevard proposals, within the masterplan site, were presented to the panel on 14 March 2022. Since the review meeting in September 2021, there have been several changes to the planning context, including a number of proposals within the site which have been conditionally granted planning permission. A planning application has also been submitted for the Southern Boulevard.

Since the last review meeting, the Council has adopted the *district wide Design Guide SPD* and *Taunton Garden Town Public Realm Design Guide SPD*. These documents are material considerations in the determination of planning applications. It has also approved version two of the Royal Town Planning Institute Award-winning Climate Positive Planning guidance, and approved a *Net Zero Carbon Toolkit*.

The Council has just launched public consultation on the draft *Connecting our Garden Communities* plan. This plan sets out aspirations for delivery of a network of walking and cycling routes across the town.

Overall, the Council considers the masterplan to have developed in a positive way since the review in September 2021. However, officers still have concerns and requested the panel's views in particular on the following issues:

- opportunities to achieve a lower ratio of car parking
- whether the masterplan will facilitate active travel modes and integrate successfully with wider walking and cycling routes
- scale, massing and relationship with context, including heritage assets
- passive solar and thermal design vs use of technology, especially in relation to single aspect homes
- energy / sustainability strategy
- the boundary treatment and typology of the eastern town house block
- biodiversity including on land and the water's edge;
- green infrastructure.



4. Quality Review Panel's views

Summary

The panel welcomes the changes which have been made to the masterplan, including the decision to break up some of the residential blocks. However, it continues to feel that the scheme should do more to respond to the site's river front location. Alongside the Council's commitments to environmentally responsive design, the River Tone and its distinctive landscape character should be at the heart of placemaking for Firepool. Reducing the amount of hard landscaping, could allow the river's character to permeate the public realm. The panel also encourages further thought about reducing the sense of car dominated streets, to create a pedestrian and cyclist friendly environment. The panel has concerns with the proposed scale of the large apartment blocks along the river and the commercial quarter along the western edge – and asks the team to revisit this. It welcomes the idea of an east-west greenway and thinks its design should maximise soft landscaping, and minimise hard surfaces. The panel also encourages the team to revisit the site's 'gateways', in particular the public realm in the northeast corner. These spaces should have a strong sense of purpose and character, and drawing on the changing character of the River Tone could help inform their design. The panel is supportive of the design quality aspirations but urges the team to carefully consider how best to secure this through the planning process. These comments are expanded below, and points made at the previous review have been repeated for clarity.

Overall approach

- The panel welcomes the changes made since the previous meeting, such as the decision to break up the blocks along the river edge and the introduction of some additional soft landscaping between them.
- The River Tone is a significant asset of the site, and the panel continues to feel that the masterplan is not yet making the most of its location.
- It understands there are constraints to consider, including the Environment Agency requirement for an 'exclusion zone' along the river. Nevertheless, the team should further consider how the river's qualities and character can permeate into the masterplan. This work should also explore the potential to incorporate a greater sense of activity along the river.
- The panel continues to be concerned with the amount of hard surfacing and hard edges included within the proposals. It urges the team to consider how this can be reduced.
- There are several 'gateway' sites and nodal points in the masterplan, including the amphitheatre space and the public realm in the northeast corner. Further consideration should be given to how these could reflect the transition in the river's character as it becomes softer and greener along its course.



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- The panel suggests further thought about how the terraced blocks to the northeast corner of the masterplan respond to the curve of the river. For example, could the most northern housing terrace along the greenway extend further east?

Streets and parking

- The panel understands that a significant amount of thought has already been given to the provision of parking spaces on the Firepool site. However, it is concerned that the overall masterplan continues to feel car dominated.
- The proposed 0.4 parking ratio is below Council policy requirements. However, the site is in a well-connected location (approximately 5-minute walk from the train station and 10-minute walk from the town centre).
- There is an opportunity to be more ambitious with this Council led scheme. It highlights that comparable schemes in Cambridge and Enfield are achieving a parking ratio of 0.2.
- The panel also recognises the marketing aspect of car parking. It is likely that buyers of family houses will require dedicated parking, and that one space per house will be appropriate. However, there is scope for a much reduced (or nil – apart from disabled parking) provision for the flats.
- The panel encourages the team to develop a more innovative approach to car parking provision. For example, a remote mobility hub (or ‘car barn’) could remove parking from the heart of the proposals. When no longer required it could be re-purposed to form some form of community use or dismantled for use elsewhere.
- It notes that many of precedents presented during the meeting demonstrate the value and importance of designing streets and spaces which do not feel dominated by cars.
- The proposals for Firepool include a considerable amount of hard surfacing, contributing to the sense of a scheme designed around vehicular rather than pedestrian movement.
- The panel encourages the team to develop a parking strategy which focuses on supporting the creation of a pedestrian friendly environment. For example, on-street parking spaces could be visually broken up through soft landscaping (including protected trees).
- The panel notes that careful consideration should be given to how the parking ambitions for the site will be controlled. It encourages the team to avoid the standard controls such as double yellow lines. One alternative option could be to consider a car parking management company, which could allow for more innovative and attractive streetscape designs.



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- Further consideration should also be given to how the proposals will adapt in the event of a future reduction in car parking demand. For example, could parking spaces be adapted for a new use, for example, a piece of community amenity space?
- The panel supports the provision of segregated cycle routes, in line with the Cycle Infrastructure Design guidance (LTN 1/20), but it notes that these add to the amount of hard surface and the panel suggests that the precise dimensions of the cycle and pedestrian routes and building thresholds are reviewed and potentially reduced.
- Further information is needed on how people will move around the site – including pedestrian, bicycles, cars and delivery and maintenance vehicles, to avoid conflicts at intersections and crossings and the necessity for unsightly warning signs.
- Consideration should be given to the development of wayfinding strategy. Legible, but minimal, signage is important to the success of spaces like the boulevard and should be considered as the first element of public art.

Wider connections

- While the site is located between the town centre and the train station, achieving the Council's ambition for a modal shift will depend on the delivery of improvements beyond the masterplan 'redline'.
- The design of junctions at the edges of the masterplan area needs careful thought. For example, clarity is needed about how the proposed cycleway along the western edge of the masterplan will connect to the cycle network at the junction of Priory Bridge Road and Canal Road.

Landscape and public realm

- As highlighted above, there is a need to develop a stronger relationship with the existing landscape character of the river.
- The panel also stresses the importance of developing a stronger sense of the nature of the proposed spaces and streets across the masterplan, including their character, function, and the experience of using them.
- There is an opportunity for Firepool to act as a stepping-stone in the wider ecological network. This should be addressed as part of the planning submission.
- The panel encourages the inclusion of living roofs wherever possible and a comprehensive approach to achieving Biodiversity Net Gain.



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- The public space in the northeast corner currently lacks a clear purpose or identity. Consideration should be given to its role at the eastern end of the greenway, its potential to be a destination for people arriving from the east, and relationship with the surrounding housing.
- The panel understands that public space in the northeast corner has access requirements, but the extent to which these dictate the design should be proportionate with the frequency of the access required. For example, flexibility could be built into the design to allow the space to adapt on occasions when access is required.

Southern Boulevard

- A key aspect of the Firepool scheme is the Southern Boulevard - including its potential to help to define the character of the site, and in support connections to the railway station, the River Tone and town centre.
- The panel is pleased to see that the design work for the Southern Boulevard is progressing and understands that an application has been submitted for this part of the masterplan.
- It supports the decision to utilise water collected from around the site as part of the water feature on the Southern Boulevard.
- The panel continues to suggest that the water feature should have a better connection to the river, with more greening to soften the edge of this amenity space and increase its ecological value. Planting should include species that contribute to natural water filtration - prior to its discharge into the River Tone.
- For the boulevard to fulfil its potential as part of a landscape-led masterplan, the panel thinks the amount of hard surface should be reduced, and greening increased. In particular, it would encourage more soft landscaping in the town square, and the area around the water feature.
- The panel continues to highlight the need to create a distinctive town square at this central location in the masterplan.
- The Southern Boulevard creates a potentially grand gesture leading people down to the River Tone. However, the panel urges the team to further consider what the pedestrian experience will be when navigating and using this space.
- The quality of microclimate on the Boulevard will influence its success in supporting activities such as on-street café / restaurant seating.
- The panel continues to question the scale and nature of some of the spaces proposed and whether they will work in this edge of town location?



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- For example, the amphitheatre, which is a key 'gateway' into the site, is a very large space dominated by hard landscaping. The panel feels that this could be more successful as a smaller, softer more biodiverse space, that has a clearer relationship with the site's natural character.
- The panel encourages the team to revisit the location of the health centre, which is shown occupying prominent ground floor frontage on the boulevard. Alternatively, if this continues to be the preferred location it may be better located on the upper floors of the building, allowing more active uses to occupy the ground floor animating the square.

Residential quarter (blocks two and four)

- The panel welcomes the extensive additional work undertaken to test the residential part of the masterplan. While this work shows that the basic block structure is sound, it also reveals that there are issues relating to the detailed layout and massing that require further thought.
- The panel is concerned by the scale of the proposed seven storey apartment blocks along the river, particularly as the ground floor will include a tall ground floor to accommodate commercial uses.
- The panel understands that the proposed heights Above Ordnance Datum (AOD) generally sit below the height established by the Viridor building on the opposite side of the river, however the panel notes this is a six-storey (commercial) building. Six-storey residential or mixed-use blocks would be more appropriate.
- The panel accepts that the Firepool site will have a more urban character than the existing town centre of Taunton. However, careful consideration should be given to what the right balance is between existing town centre and a more 'city-like' urban character.
- The panel encourages the design team to explore a contemporary architectural language specific to Taunton, enriched by its approach to environmental sustainability.
- The proportion of single aspect residential units should be reduced. The recent period of hot weather has highlighted the importance of shading and cross ventilation. It will be difficult to achieve comfortable conditions in single-aspect flats, and challenging to achieve compliance with the new Part O Building Regulations.
- Single aspect mews houses may be acceptable if vented vertically and provided with generous roof terraces and/or courtyard gardens.
- The panel highlights that the apartment blocks facing Southern Boulevard should include a main entrance from both sides to help animate the boulevard and the street to the rear.



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- The street to the rear of the apartment blocks along the Southern Boulevard currently appears to have minimal activation. Terminating the proposed terrace blocks with special corner type residential properties could help address this challenge.
- The panel welcomes the inclusion of the east – west greenway which has potential to be very attractive (notwithstanding comments made above regarding the need to reduce the amount of hardstanding). However, greater clarity is needed on how the houses which front it will be accessed and serviced.
- It suggests exploring successful precedents such as Eddington in Cambridge and Barton Park in Oxford, to help inform the masterplan for Firepool. In these examples, terraced townhouses are served from a rear mews street, which also contain small houses or mews flats over car parking for both dwellings. This could also be a solution for the proposed east-facing houses overlooking the river (which could have front doors on the east side and mews servicing from the west).
- The panel welcomes the provision of cycle stores for each of the houses, and the acknowledgement that this should be increased further so that it better reflects the occupancy of each home.
- The inclusion of communal bin stores, which could have climbing plants on their walls as well as living roofs, is also positive (provided they are well managed and comply with walk distance limits for householders.)
- The panel encourages the team to consider how the homes could be adapted as their occupants needs change over time, for example to provide more space for a growing family, or deal with changing accessibility requirements.
- The panel supports the inclusion of integrated carports in place of enclosed garages, which tend to be used for storage or converted. It notes that carports can be gated to help alleviate any concerns around security.

Commercial quarter (block five)

- The panel considers the proposed scale of the performance venue to be very imposing, especially in relation to Priory Bridge Road and the river.
- As with the residential parts of the masterplan, further thought should be given to how the commercial quarter relates to the surrounding context, and the character of Taunton as a whole. This should be explored through distant and close views as part of a rigorous townscape appraisal before the height and massing of the commercial buildings is set.



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Sustainability

- Overall, the panel feels that the approach to environmental sustainability is moving in the right direction.
- It is important that sustainability principles are secured through the planning process, particularly in relation to carbon – operational and embodied. Thought should also be given to the carbon impact of building up the levels of the site out of the flood plain.
- The panel notes that the Council has a net zero toolkit. It encourages the team to build in references to this so that they can inform the proposals for the Firepool site as they evolve over time.
- The panel welcomes the decision to develop an all-electric energy strategy.
- It understands that the team are exploring the possibility of a centralised energy system. However, the team should demonstrate that a centralised approach is compatible with the all-electric strategy. It also highlights that energy sharing is a great opportunity that should be explored.
- The way the energy strategy adapts as different phases are delivered should be clarified, and the increasing pressure on cost of living taken into account.
- The panel encourages the team to undertake a sunlight and daylight analysis for the proposed masterplan. This should identify, for example, the amount of sunlight and daylight private gardens and single aspect homes will receive, and to explore how this information should inform design decisions. For example, there is likely to be a need for the inclusion of shading in the town square on the Southern Boulevard.
- The scheme should maximise opportunities for passive ventilation – which is an important reason to improve the proportion of dual aspect homes, benefiting from cross-ventilation.
- It notes that the south-western corner of the Firepool site will be particularly exposed to noise from the Priory Bridge Road, as well as being south facing. Careful thought is needed to avoid overheating, whilst mitigating noise.
- Consideration should be given to roof level micro-climates. Material choices, green roofs and shading, will all be important considerations in the design of these spaces.
- The panel strongly supports the decision to apply Passivhaus standards to commercial buildings.
- The decision to re-use materials is positive, and pre-demolition surveys will be needed to inform this approach, avoiding missed opportunities.



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Design assurance

- The panel welcomes the high-quality design aspirations shown in the precedents and visualisations for the different aspects of the masterplan, in particular for block five, but was less convinced by the architectural language proposed for the apartment blocks.
- As there are several unknowns, including the procurement of commercial developers and operators, the panel urges the team to carefully consider what mechanisms can be put in place now to ensure the project's design quality ambitions are protected.
- For example, the development of a design code could help set clear and robust expectations that will provide assurances that promises made at planning application stage are delivered.

Block one

- Block one was not the focus for the discussion, but the panel noted some initial concerns with the visualisation shown for a 'signature' building'. Block one occupies a prominent location, and the panel requests an opportunity to discuss this aspect at an appropriate moment.

Next steps

- The panel would welcome the opportunity to review the masterplan again, including block one, as detailed design progresses.
- Key priorities for continuing discussion with the planning authority are: landscape design; parking strategy and people friendly streets; residential typologies; and scale massing and visual impact.
- A chair's review could be arranged to allow for more detailed comments on the residential elements of the masterplan.





Somerset West and Taunton Quality Review Panel

Report of Chair's Review Meeting: Firepool (Southern Boulevard)

Monday 14 March 2022
via zoom

Panel

Andrew Beharrell (chair)
Lise Benningen

Attendees

Omri Ben-Chetrit	Somerset West and Taunton Council
Simon Fox	Somerset West and Taunton Council
Maureen Pearce	Somerset West and Taunton Council
Graeme Thompson	Somerset West and Taunton Council
Fiona Webb	Somerset West and Taunton Council
Dan Friel	Somerset County Council
Deborah Denner	Frame Projects
Abigail Joseph	Frame Projects
Cindy Reriti	Frame Projects

Apologies / report copied to

Alison Blom-Cooper	Somerset West and Taunton Council
Rebecca Miller	Somerset West and Taunton Council
Miranda Kimball	Frame Projects

Confidentiality

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1. Project name and site address

Firepool, Canal Road, Taunton, TA1 1QS

2. Presenting team

Tim Bacon	Somerset West and Taunton Council
Rachel Papworth	Somerset West and Taunton Council
Adam Baker	AHR Architects Ltd
Adam Spall	AHR Architects Ltd
Jim Price	J Price Consulting
David Gwilliam	Jubb
Pete Stockall	Avison Young

3. Planning authority briefing

Firepool is a major regeneration area within Taunton town centre. Circumstances have since changed since the Taunton Town Centre Area Action Plan was adopted in 2008 and the policy context, primarily the development mix, is out of date. A Firepool masterplan and design guidance are being prepared to guide the development of the site.

The review focussed on the southern part of the boulevard, which is being brought forward as a standalone application, to secure Future High Streets Funding for its delivery. The boulevard will be delivered separately and before any adjoining buildings.

The boulevard is the primary area of public realm within the scheme. It links the railway station to the River Tone and connections along the river to the town centre. As a spine and key area of public realm, the boulevard's purpose is multi-faceted, and will be fully detailed against a wider masterplan, which is still emerging. Because of this, there is a need to ensure the space is flexible to allow it to respond to different scenarios, development mixes, and movement patterns.

Officers requested the panel's comments on the strength of the designs, and whether they are able to be assessed without a fully resolved masterplan. Comments were also sought on: the green and blue infrastructure; amphitheatre; town square; connectivity, including the bus priority route; and the animation and inclusive design of the proposals.



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4. Quality Review Panel's views

Summary

The panel supports the design team's aspiration to develop a landscape-led proposal, but it feels that further thought is needed about the detailed design of the Southern Boulevard in achieving this. It would encourage additional trees and planting, to soften the public realm. It also asks for further thought to be given to the relationship between the water feature and the river. It feels that in terms of both placemaking and sustainable urban drainage, the water feature should be more closely integrated with the river. The panel would like to see higher aspirations to improve the ecology and biodiversity, especially along the riverbank. Consideration must also be given to how the identity of the other character areas can be further developed to respond to their intended use. The provision of a bus route along Canal Road, and a conveniently located bus stop at the intersection of the boulevard, are essential to support connectivity for residents', beyond the masterplan, and to help animate the boulevard. Further consideration must also be given to pedestrian and cycle routes, to mitigate conflicts. Comments are also offered on the wider masterplan, as its design and that of the Southern Boulevard are interlinked.

Post meeting note:

- The panel would like to see a specialist landscape architect included in the design team, to ensure the successful delivery of this landscape-led masterplan.

Comments on the wider masterplan

- The panel notes that many positive changes have been made to the masterplan since the previous review and endorses the overall positioning of the Boulevard and Greenway.
- The panel trusts that the design of the building blocks is being progressed in tandem with the public realm and landscape. The ground floor uses and entrances need to be understood prior to the public realm and landscape being fixed.
- The panel questions if there will be sufficient demand for the quantum of commercial and café use shown. It suggests there may be a need for flexibility in ground floor uses lining the boulevard - to allow for some residential use and entrances, which would be another way of generating activity.
- As the buildings facing the River Tone are developed, consideration must be given to their relationship and activation of the river's edge.
- The panel encourages the design team to keep the boulevard, streets, and routes at a 'tight and intricate' scale that is appropriate to the town setting. It encourages the use of narrower tertiary streets and pedestrian routes, to break up the building blocks.



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- The panel would like to see the green and blue infrastructure permeate through all of the streets in the masterplan.
- Further work is needed to strengthen the identity of each character area and this should be based on a realistic understanding of how each area will be used. In general, the panel would encourage more greening, to soften the public realm.
- The connectivity of the masterplan is progressing well, but further consideration needs to be given to the movement of vehicles, to both the east and west of the boulevard, to provide adequate access and servicing for homes and businesses.
- The panel feels that a bus route is needed along Canal Road, with a bus stop located at its intersection with the boulevard. This will help to animate the boulevard, and ensure that visitors have access to the commercial/retail spaces and the public realm.

Boulevard design approach

- The boulevard has the potential to form a key element of a landscape-led masterplan for Firepool, and to help define the character of this new neighbourhood for Taunton. It will also play a valuable role in connecting the railway station to the River Tone and town centre.
- The panel considers that the proposals for the east-west Greenway have the potential to be successful. However, it does not yet have a sense of what the pedestrian experience will be like along the southern boulevard.
- For the boulevard to fulfil its potential as part of a landscape-led masterplan, the panel thinks the amount of hard surface should be reduced, and greening increased. In particular, further consideration must be given to the town square, the amphitheatre, and the area around the water feature.
- The planting strategy must consider species that will thrive in this location as well as the management and ongoing maintenance of the public realm and landscape, to ensure that the spaces can be enjoyed at all times of the year.
- The panel supports the provision of segregated cycle routes, in line with the Cycle Infrastructure Design guidance (LTN 1/20), but it notes that these add to the amount of hard surface and the panel suggests that the precise dimensions of the cycle and pedestrian routes and building thresholds are reviewed and potentially reduced.
- Consideration must be given to the flow of pedestrian and cycle movement, to avoid conflicts at intersections and crossings and the necessity for unsightly warning signs.



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- Legible, but minimal, signage is important to the success of the boulevard and should be considered as the first element of public art.

The town square

- Further consideration needs to be given to creating a distinctive 'town square' that provides more than a functional nodal point, in this key location at the centre of the masterplan.
- While some hard surface is needed to accommodate activities such as a market, the square would benefit from a reduction in the amount of hard surface.
- Softening through increased greening, would help to create a pleasant place that encourages people to gather and linger.

Waterfront Place - the amphitheatre

- The panel feels that the amphitheatre is currently too large and would recommend a reduction in its size - subject to the outcome of further consultations about the potential to hold events here. The substantial area of hard surface adjacent to the River Tone does not align with the aspiration of a landscape-led masterplan.
- The amphitheatre would benefit from more greening to soften the boulevard's connection to the river's edge.

The river's edge

- The panel encourages the design team to be more ambitious in their proposals for the river's edge.
- The River Tone is a key landscape and heritage feature and the masterplan offers an excellent opportunity to improve the ecology and biodiversity of this green corridor.
- Further consideration should be given to how the ramp access can provide a more direct route between the boulevard and the river's edge. The panel suggests that the design team look at the Queen Elizabeth Olympic Park area where there are a number of good examples to reference.

The water feature

- The panel questions the current design of the water feature, suggesting that it should have a better connection to the river.
- An open water course could connect the water basin to the river. This would allow opportunities for crossing points, to provide key moments of visual interest.



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- The panel would encourage more greening around the water feature to soften the edge of this amenity space, and increase its ecological value. Planting should include species that contribute to natural water filtration.
- The water feature has the potential to make an important contribution to the green and blue infrastructure of Firepool. It could help to filter the water collected from around the site, prior to its discharge into the River Tone.
- The panel encourages the design team to refer to the SuDS Manual, which contains evidence based guidance on how to successfully implement Sustainable Drainage Systems in a variety of topographies.

Next steps

- The Quality Review Panel would welcome the opportunity to comment on the scheme again as the proposals are developed, taking into account its comments and in consultation with planning officers.



Application Details	
Application Reference Number:	10/22/0015
Application Type:	Full Planning Permission
Earliest decision date:	05 August 2022
Expiry Date	31 August 2022
Extension of time	
Decision Level	
Description:	Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford (resubmission of 10/21/0016)
Site Address:	THE BEECHES, TAUNTON ROAD, CHURCHINFORD, TAUNTON, TA3 7DW
Parish:	10
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	<i>Blackdown Hills</i>
Case Officer:	Mike Hicks
Agent:	
Applicant:	MR T DODSWORTH
Committee Date:	
Reason for reporting application to Committee	The officers recommendation is contrary to the view of a Parish Council and 4 individuals.

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 Refuse permission due to the scale and design of the proposed dwelling.

3. Planning Obligations and conditions and informatives

N/A

4. Proposed development, site and surroundings

4.1 Details of proposal

The application proposes the demolition of a bungalow and construction of a detached, two storey replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling although rotated slightly. The proposed dwelling would be an increase in size in accordance with the following:

	Footprint	Total foot print (ground and first floor)	Height	Width	Length
Existing	159 sq metres	159 sq metres	6 m		17.4
Proposed	179 sq metres	330sq metres	7.5 m	9.2	19.6
Previous application	194 sq metres	358 sq metres (minus first floor void)	7.5m	10.4	18.6

The proposed dwelling measures approximately 19.6 metres in length by 9.2 metres in width. It would be clad in timber to the walls and grey metal cladding to the roof. It would contain an open plan kitchen/dining room to the ground floor, a store/utility and three further reception rooms comprising a dining room, office and snug. The first floor would contain 4 bedrooms and two open landing areas along with a ground floor to ceiling void.

4.2 Sites and surroundings

The site is located within an open countryside location, in the Blackdown Hills AONB. It consists of a detached bungalow located in a triangular shaped plot at a fork in two roads. There is an adjacent dwelling to the south, Beechcroft.

The site is bordered by mature trees to the east and west boundaries. There is a public footpath (T6/16) located to the south of the site.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
10/21/0016	Replacement of bungalow with a two storey detached dwelling	Refused	17/21/2021

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and accordingly there would be no impact on phosphate levels within the Ramsar site. There are no other protected sites within sufficiently close proximity to conclude any other likely significant impacts. It can therefore be determined that as there would be no likely significant impacts on protected sites, a Habitats Regulations Assessment is not required.

8. Consultation and Representations

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

8.1 Date of consultation: 13 July 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 15 July 2022

8.4 Site Notice Date: 21 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
CHURCHSTANTON PARISH COUNCIL	Support the application. <ul style="list-style-type: none">• Para 134B gives support to the proposal• The proposal represents innovative design and reflects the agricultural nature of the area.	Refer to design section
SCC - ECOLOGY	Previous comments under 10/21/0016 apply. Emergence surveys confirmed the presence of a day bat roost used by a low number of bats. The development will result in the destruction of the bat roost. The following conditions are therefore required to mitigate the impact on bats and other species: <ul style="list-style-type: none">• Natural England licence to be secured• Construction worker bat induction/works take place under supervision of ecologist.• Bat box• Bat friendly external lighting• Tree/hedge protection• Demolition/vegetation removal outside bird nesting season• Bee brick/bird boxes	Refer to ecology section
BLACKDOWN HILLS AONB SERVICE	<ul style="list-style-type: none">• Applications should be assessed against Policy PD2 of the AONB management Plan.• The AONB design guide for houses should be taken into account.• It is questioned whether taking design cues from modern agricultural buildings is the most appropriate solution for a residential plot adjacent to other residential properties rather than drawing on the rich local vernacular of houses.	
WESSEX WATER	No objections. Comments made in relation to connection to water mains.	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
TREE OFFICER	No objection provided the submitted tree protection plan and method statement are followed. Pre commencement tree protection condition required.	

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Letters have been received from 6 properties in the local area supporting the proposal.

Material Planning Considerations	
Support	Officer comment
<ul style="list-style-type: none"> • Proposal would blend in with its surroundings and would improve the existing situation visually. • Proposal would be environmentally sustainable. • Changes have been made from the previous proposal to improve the design 	Refer to design section

8.7.2 Summary of support - non planning matters

- Applicants have committed themselves to the local community.
- The applicants have informed us throughout the plans and taken requests into account (occupiers of adjacent property- Beechcroft)
- Existing property is damp and a health hazard

9. Relevant planning policies and Guidance

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

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

CP8 - Environment,
CP1 - Climate change,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
A1 - Parking Requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

9.1 National Planning Policy Framework

The NPPF is a material consideration.

10. Material Planning Considerations

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

- 10.1 Principle of development
- 10.2 Visual amenity/landscape character/design
- 10.3 Room sizes
- 10.4 Residential amenity
- 10.5 Ecology
- 10.6 Trees
- 10.7 Highway safety
- 10.8 5 Year housing land supply

10.1 The principle of development

10.1.1 The site is located in the open countryside, Policy DM2 is therefore relevant. It sets out various categories of development that will be supported in principle in the

open countryside. This includes replacement dwellings. It states that replacement dwellings will be supported:

'only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling'.

10.1.2 The proposed dwelling is a one for one replacement. The issues of abandonment and the economic viability of renovation were considered in detail under the previous application. The considerations remain the same for this application. The dwelling is currently occupied and has therefore not been abandoned.

10.1.3 The applicant states that the dwelling was constructed in the 1960s and that it requires extensive renovation including the replacement of the asbestos tiles roof, removal of asbestos within the building, removal of black mould, provision of ventilation, upgrade of fabric, plumbing, electricity and other services. In terms of costs the design and access statement estimates approximately £25,000 to upgrade the property to improve it from an E to a C rating on the EPC report. This includes items such as cavity wall insulation, floor insulation, boiler replacement, solar panels. The application further calculates a renovation cost of £477,000 which it states is more expensive than replacing the dwelling. The submission further states that the new dwelling would be a significant improvement in energy use terms. Although the policy suggests that an applicant should demonstrate that the retention option is uneconomic to bring up to an 'acceptable state of repair', it would be a reasonable argument that a householder would wish to achieve a building regulations compliant renovation in respect to insulation and other aspects. On the basis of the information provided and the general condition of the existing dwelling, it is considered that a case for replacement in principle can be accepted and would comply with Policy DM2 of the Taunton Deane Core Strategy.

10.1.4 In terms of scale, Policy DM2 requires that replacement dwellings are not substantially larger than the original. The current proposal follows a previous application which was refused on the basis of scale and design. The current proposal has reduced the footprint of the dwelling from 194 to 179 squares metres compared to the previously refused scheme This is achieved by reducing the width by 1.2 metres, although the length of the building has increased by 1 metre.

10.1.5 The proposed dwelling would be approximately 1.5 metres taller than the existing dwelling. Whilst the proposal is slightly smaller than the previous proposal, the reduction is relatively minor. Whilst the height increase on its own is not significant, the increase in floor area of more than double the existing would be a substantial increase. The resulting dwelling would be of a different character and impact as a result of the increase in scale. Notably it would be both longer and wider than the adjacent dwelling, Beechcroft. The increase in scale would also result in a greater visual prominence which is considered in greater detail below.

Having regard to the above it is considered that the increase in scale of the proposal would be substantial and would therefore not comply with Policy DM2.

10.2 Design and impact on the character and appearance of the locality:

10.2.1 The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and within the 'Blackdown Hills Plateau' character area as defined in the emerging Districtwide Design Guide SPD. This is a nationally protected landscape and there is a statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 200) to 'have regard to the purpose of conserving or enhancing the natural beauty' of AONBs when taking decisions.

Furthermore, Chapter 15 relating to the Natural Environment of the National Planning Policy Framework is a relevant material consideration.

10.2.2 Paragraph 176 states:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

10.2.3 Policy DM1 requires that the appearance and character of any affected landscape would not be unacceptably harmed. Policy DM2 states that development must amongst other criteria:

"be of a scale, design and layout compatible with the rural character of the area and must:

not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services;"

10.2.4 In addition Policy CP8 is relevant and CP8 requires amongst other criteria that the natural environment will be protected, conserved and enhanced, development will be appropriate in terms of scale, siting and design, will provide for any necessary mitigation measures.

10.2.5 The supporting text of Policy CP8 refers to the AONB Management Plans which are adopted by the relevant AONB partnerships every 5 years and has been produced by the AONB on behalf of the relevant local authorities. As explained above, the aim of this document is to provide additional guidance to the Council on matters relating to the AONB.

Within the AONB Management Plan, Policy PD2 is relevant and is a material consideration in this decision.

10.2.6 Policy PD2 of the AONB Management Plan states that development will conserve and enhance natural beauty and special qualities by respecting landscape character, being sensitively sited and of appropriate scale, reinforcing local distinctiveness and seeking to protect natural features and biodiversity.

10.2.7 The design and access statement explains the rationale for the siting, orientation and design of the dwelling. The proposed dwelling would contrast with the existing traditional vernacular for residential properties in the area in terms of the form and materials proposed.

10.2.8 The wall cladding has been amended from grey plasticote covered steel cladding to timber. The application states that there is precedent for such cladding in the form of nearby modern agricultural buildings. The form of the proposed dwelling also takes some cues from some of these buildings which are identified as being in the area.

10.2.9 Timber cladding in the form of Yorkshire boarding or similar is a commonly used material for modern agricultural buildings and sometimes traditional agricultural buildings. The use of a natural material is considered to be an improvement over the previous application, however, locally distinctive traditional barns on the Blackdown Hills which are uniquely characteristic of the area will typically use materials such as chert stone and cob with timber a more minor component. Timber is commonly used as a cladding material on modern agricultural buildings. As such the proposal would not reinforce local distinctiveness and would harm the character and appearance of the local landscape and streetscene.

10.2.10 The scale of the dwelling, particularly the significant width and resulting shallow roof pitch is considered to be contrary to the steeper traditional roof characteristic of the Blackdown vernacular which are referenced within the Blackdown Hills Design Guide. The broad gable and extensive use of timber and shallow roof pitch is considered to be reminiscent of a modern agricultural barn. As such the proposal would not reinforce local distinctiveness and would harm the character and appearance of the local landscape and streetscene.

10.2.11 The Blackdown Hills AONB Partnership have been consulted and have questioned the design referencing design cues being from modern agricultural buildings as opposed to other more appropriate residential vernacular. It is considered that the scale, design and form of the dwelling along with the elevational treatment, including the use of timber cladding to all elevations and the proposed fenestration would result in an incongruous development when viewed against the character of existing adjoining development. The length and breadth of the dwelling which are significant in their context, exceeding the adjoining dwelling would amplify the concerns over the design expressed above.

10.2.12 It is acknowledged that the site is reasonably well enclosed by trees, however these are deciduous and therefore in the winter the building would be less well screened. Furthermore, the dwelling would have a permanence which is not certain for the existing trees surrounding the site. The increase in scale would amplify the visual presence of the building exacerbating the impacts and harm outlined above.

10.2.13 The Parish Council support the application and have referenced paragraph 134 (b) of the NPPF which states:

that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*. This opinion is acknowledged, however for the reasons outlined above it is considered that the proposal would not represent outstanding or innovative design contrary to paragraph 134(b). Furthermore, the proposal is contrary to the introductory part of paragraph 134 which states that; *'Development that is not good design should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'*.

10.2.14 Having regard to the above, it is considered that the scale and design would not be appropriate within its setting. The scale, form, orientation, design and materials of the proposed dwelling would appear incongruous in its surroundings, would not conserve the distinctive landscape character of the AONB and would harm the character and appearance of the local landscape and the streetscene. Accordingly the proposal is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan, the guidance within the Districtwide Design Guide SPD and Chapters 12 and 15 of the NPPF.

103 Quality of accommodation- room sizes

10.3.1 Policy D10 of the Site Allocations and Development Management Plan sets out minimum size requirements for new build dwellings. Overall the dwelling exceeds the minimum requirement for a 4 bedroom dwelling. The floor plans indicate four double rooms, however three of these rooms do not meet the minimum of 11 square metres, although the minimum for a single room is exceeded. This technical conflict with the Local Plan is acknowledged, however these rooms could be classified as singles and would then comply with the policy. Overall despite the technical conflict with Policy D10, the proposal is considered to be acceptable in relation to the size of accommodation.

There would be sufficient outside amenity space in accordance with Policy D12 of the Taunton Deane Site Allocations and Development Management Plan.

104 The impact on neighbouring residential amenity

10.4.1 Policy DM2 requires that development must not harm the residential amenity of neighbouring properties. The principal consideration is the impact on the adjacent dwelling to the south, Beechcroft. At its nearest point, the proposed dwelling would be 7.1 metres from the shared boundary. The dwelling would be angled towards Beechcroft so that the rear elevation of the proposed dwelling would be visible from the private area to the rear of the neighbouring dwelling. The furthest corner of the proposed dwelling would be 15.2 metres from the shared boundary. The first floor would contain two 'family lounge' windows, a bathroom window and a bedroom window.

10.4.2 Whilst at varying distances from the shared boundary these windows would overlook and provide substantial views across the neighbours garden. This is in

contrast to the more common gable to gable relationship which would not allow views of the garden in the areas directly outside the adjacent property.

10.4.3 The applicant has indicated that they would be happy for these windows to be obscure glazed. Obscure glazing would still result in a degree of perceived overlooking, however given the distance of the proposed windows to the shared boundary this would be at an acceptable level.

10.4.4 Subject to a planning condition to secure obscure glazing to the first floor windows on the south elevation, along with the method of opening, it is considered that the proposal would not have an unacceptable impact on the amenities of these adjoining occupiers. As such the proposal would accord with Policy DM2 of the Taunton Deane Core Strategy.

105 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

10.5.1 In relation to ecology, Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy are of relevance. Policy CP8 requires amongst other criteria that development must protect habitats and species, including those listed in the UK and Local Biodiversity Action Plans and must be in accordance with national, regional and local policies within rural areas (including those for protected Natura and Ramsar sites). Policy DM1 requires that development must not lead to harm to protected wildlife species or their habitats. Policy DM2 states that all development in the countryside must be compliant with the Habitats Regulations.

10.5.2 The bat and protected species survey submitted with the application found evidence of bats roosting within the property which was later confirmed by an emergence survey. Accordingly the impacts of the development on this protected species would be the destruction of a bat roost and potentially causing disturbance and or injury to any roosting bats at the commencement of the development. As such, a Natural England licence is needed to destroy the bat roost. This licence can only be granted if planning permission is granted and would secure compensatory measures and mitigation to ensure potential harm is kept to a minimum. In addition, measures to secure biodiversity net gain are recommended within the submitted ecology report such as one nest box, one bee brick and external lighting to be designed with bat friendly specifications.

10.5.3 The County Ecologist has reviewed the additional report and does not object to the scheme subject to conditions relating to securing the Natural England Licence, mitigation as per the emergence survey to be submitted and approved, external lighting to be approved, tree protection measures, supervised vegetation removal if removed in nesting season and biodiversity enhancements. These conditions are considered necessary to ensure that the risk of harm to protected species is kept to a minimum acceptable level. In addition to the above conditions, an assessment of the proposal is required against the 'derogation regulations' as required by the Habitats Directive to establish the acceptability of the bat roost destruction. In determining an application for a licence, Natural England must consider the following tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

10.5.4 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires the Local Planning Authority to have regard to the Habitats Directive including the derogation regulations in making a determination, which requires an assessment of whether a licence is likely or not to be granted. The County Ecologist has confirmed that as the potential impact is relatively low, it would be very unlikely that a licence from Natural England would be refused, although they would only grant a licence in the event of planning permission being granted for the works.

10.5.5 Given the above it is considered that there are insufficient reasons for refusing the application on the derogation tests alone if it is unlikely that Natural England would refuse a licence for a development of this scale. In relation to the second test, it appears likely that because of the condition of the property, relatively substantial remodelling will be required to bring the property up to an acceptable condition, including substantial works to the roof which are likely to impact on any roosting bats. There are no other options within the site other than extensive renovation or replacement of the dwelling. In relation to the third test, the licence approval from Natural England along with any mitigation can be secured via planning condition to ensure there would be no harm to the interests of maintaining the species at a favourable conservation status. The third test would therefore be met.

10.5.6 Having regard to the above, subject to conditions, the proposal would ensure an acceptable impact on protected species in accordance with the relevant sections of the Habitats Directive and Regulations, Chapter 15 of the NPPF and Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy.

10.6 Trees

10.6.1 Policy ENV1 requires that development should seek to minimise impact on trees, woodlands and orchards. Where loss is unavoidable, the development should be timed to avoid disturbance to protected species. Adequate provision must be made to compensate for this loss.

10.6.2 The applicant has submitted a tree survey and arboricultural method statement and implications statement (AMS). The tree survey identifies 5 category B trees and 2 category C trees on the roadside boundaries. It sets out the root protection areas and a designated area for the storage of materials outside these areas.

10.6.3 The AMS identifies that tree 1, a large mature Beech tree has the fungal infection at the base and should be felled as it is unsafe. This tree was not illustrated on the tree survey plan or the block plan and accordingly updated plans were requested and received. In relation to the felling of this tree, the Tree Officer commented that the removal of this tree is reasonable for safety reasons. The Tree Officer has further commented that subject to the measures outlined in the AMS

being secured via a condition, there would be no adverse impact on the health of the trees. Subject to the above planning condition the proposal would comply with Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan.

10.7 Access, Highway Safety and Parking Provision:

10.7.1 Policy DM1 of the Taunton Deane Core Strategy requires that additional traffic arising from development must not lead to overloading of access roads or road safety problems. Policy DM2 requires that all development in the countryside must not harm highway safety.

10.7.2 The Highway Authority have commented that standing advice applies. In this instance the existing access would be utilised on the northern boundary of the site. The road at the site entrance is de restricted, however vehicle speeds are likely to be relatively slow and within 30 mph due to the proximity to the junction.

10.7.3 The application does not illustrate the existing visibility splays, however visibility is relatively good due to the depth of the roadside verge. As this is an existing access serving an existing residential property, it is considered that the additional vehicular movements serving a larger dwelling would be relatively minimal. There would therefore be no harm in relation to highway safety.

10.7.4 In relation to parking, there are currently 3 spaces and no changes are proposed to the parking area. The existing parking area is relatively tight, however the applicant has submitted a plan indicating how vehicles can park and exit the site in forward direction. This detail is considered to be acceptable.

10.7.5 Planning conditions can be imposed to retain the parking and turning area clear of obstruction and to ensure that gates are hung a minimum of 5 metres from the carriageway edge and to open inwards.

Subject to the above conditions, the proposal would have an acceptable impact on highway safety.

10.8 Five Year housing land supply

10.8.1 Somerset West and Taunton published the 2022 Strategic Housing Employment Land Availability Assessment (SHELAA) in May 2022. The former Taunton Deane Borough Council (TDBC) Local Planning Authority (LPA) area had a 4.04 Year Housing Land Supply (YHLS).

10.8.2 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.

10.8.3 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that Presumption would not apply.

In light of the above it is considered that there is no absence of a 5YHLS within the former TDBC area. The presumption in favour of sustainable development referenced by paragraph 11 of the NPPF is therefore not applied.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

This proposed development measures approximately 290 sqm.

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 £36,250.00. With index linking this increases to approximately £51,250.00.

12 Planning balance and conclusion

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

APPEAL DECISIONS – 13 October 2022

Site: 50 DOWELL CLOSE, TAUNTON, TA2 6BA

Proposal: Erection of a double garage at 50 Dowell Close, Taunton

Application number: 38/22/0015

Reason for refusal: The proposed double garage is a large structure that would be located within the existing front garden area of the dwelling. In this position, the garage would appear cramped and also be visually obtrusive in the street scene to the detriment of the appearance and character of the existing surrounding street scene. As such it would be contrary to policy DM1 (General Requirements) of the Adopted Taunton Deane Core Strategy 2011 - 2028.

1)  The Planning Inspectorate

Appeal Decision

Site visit made on 16 August 2022

by J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3330/D/22/3301552

50 Dowell Close, Taunton TA2 6BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Moore against the decision of Somerset West and Taunton Council.
 - The application Ref 38/22/0015, dated 13 January 2022, was refused by notice dated 11 May 2022.
 - The development proposed is the erection of a double garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The Council refused the original application with regard to the impact of the garage upon the character and appearance of the area. However, within the officer report concerns have been raised as regard the impact of the garage upon the occupiers of the neighbouring property 2 The Orchard (No 2). As the appellant's appeal case includes an assessment

of the garage upon the living conditions of the occupiers of No 2, I have considered this matter as a main issue.

3. Thus, the main issues in this case, are firstly the effect of the garage upon the character and appearance of the area; and secondly, the effect upon the living conditions of nearby residents, having particular regard to daylight, sunlight, and outlook.

Reasons

Character and Appearance

4. Positioned within a residential estate that comprises similar ages and styles of dwellings, 50 Dowell Close (No 50) is a two storey house constructed of brick under a tiled roof. The house is within a residential cul-de-sac around which there are mostly similar styled, sizes and forms of dwellings that are set back from the road behind front gardens, thereby creating a distinct visual cohesion. The presence of paired driveways leading to the integral garages of the houses and the open nature of the front gardens gives a harmoniously spacious appearance.

5. The proposed garage would be positioned close to the shared boundary of No 50 with No 2, near to two silver birch trees. Although the garage would be set back from the drive, it would occupy much of the breadth of the front garden of No 50. Even with a pitched roof and the use of materials to match the house, the size and height of the garage along with its position close to the public highway, would combine to make the building unduly prominent within an area that is characterised by the open nature of the front gardens.
6. Moreover, the garage would appear as an incongruously isolated building within the cul-de-sac that would be at harmful odds with the spacious, open nature of the surrounding gardens. There is a detached double garage at 46 Dowell Close, but the separation that exists between this house and the garage is much deeper than that which is proposed at the appeal property. Furthermore, this garage has been positioned close to the neighbouring house and it continues the building line that exists with 44 and 42 Dowell Close. Because of this relationship it does not appear as an isolated building, but one that respects the context of the neighbouring houses. Given these differences, the presence of this garage does not form a binding precedent for approving the appeal scheme.
7. It is not the appellant's intention to harm the silver birch trees, considering that they would conceal the garage. Notwithstanding this, the trees could not be relied upon to screen the development in perpetuity. This concern is particularly relevant as the trees would be very close to the garage and in addition the driveway would be extended. The development would not only necessitate works within the root protection areas of the trees but the crowns themselves would also have to be reduced. Having regard to the combination of these works, it cannot be assumed, nor has it been demonstrated with regard to those trees affected, that their long-term health and vitality would be ensured following the construction of the garage, even with the use of such measures as piling and raft foundations.
8. For these reasons, the garage would unacceptably harm the character and appearance of the area, and the nature of the proposal is such that the suggested conditions would not ameliorate this substantial harm. As such the proposal would fail to accord with Policy DM1 of the Taunton Deane Core Strategy (2012) (CS), which seeks amongst other things, that development would not unacceptably harm the appearance and character of an area, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. The garage would be positioned close to the tall fence that delineates the front garden of the appeal property from that of No 2. The garage would be close to the front elevation of No 2, and although it would be to one side of this property, and have a pitched roof, it would

nevertheless have an overbearing impact upon the outlook of the occupiers of No 2. The occupiers of this property already look out onto the flank wall of 48 Dowell Close, and as the garage would be much closer it would unacceptably enclose the available outlook.

10. Furthermore, the height and position of the garage would be such that there would also be a loss of light experienced by the occupiers of No 2. Despite the pitched roof, the height and size of the garage and its position in relation to No 2 would be such that it would impact upon light levels, particularly as it would shade the property in the afternoons and evenings when the sun was low in the sky.
11. The current occupiers of No 2 have not objected to the proposal. Notwithstanding this, the Framework requires a high standard of amenity for existing and future users, and the nature of the proposal is such that the suggested conditions would not ameliorate this harm. Having regard to my findings, the garage would fail to accord with the Framework and CS Policy DM1, which seeks amongst other things, that development would not unacceptably harm the amenity of individual dwellings.

Other Matters

12. The garage and associated drive extension would be within the front garden of No 50, and the appellant considers any manoeuvring would be contained within the appeal property. However, it has not been demonstrated that this would be the case, but as I am dismissing the appeal for other reasons I have no need to consider this matter further.
13. Finally, concerns regarding the Council's handling of the application, including inconsistency of decision making, relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

14. The proposed garage would cause significant harm to the character and appearance of the area, and would also unacceptably impact upon the living conditions of nearby residents. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

Site:

Proposal:

Application number:

Reason for refusal:

