



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 14TH FEBRUARY 2007 AT 17:00.

(RESERVE DATE : MONDAY 19TH FEBRUARY 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Planning Committee held on 24 January 2007 (attached).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal or prejudicial interests in accordance with the Code of Conduct.
5. Norton Fitzwarren - 25/2006/020 Report item
Development comprising employment, residential (373 dwellings) and village centre (incorporating healthcare facilities, two village shops, retail unit and public house), part of construction of Norton Fitzwarren Relief Road and provision of infrastructure and services, former Cider Factory, Norton Fitzwarren.
6. NORTON FITZWARREN - 25/2006/026
ERECTION OF COVERED VEHICLE STORAGE, WORKSHOP AND LOGISTICS COMPANY ACCOMMODATION, TOGETHER WITH PROVISION OF EXTERNAL PARKING AND MANOEUVRING AREAS, NORTON MANOR CAMP, NORTON FITZWARREN
7. STAWLEY - 35/2006/023AGN
ERECTION OF AGRICULTURAL BUILDING, STAWLEY FARM, STAWLEY AS AMENDED BY DRAWING NO. JUB726A RECEIVED 25TH JANUARY, 2007
8. TAUNTON - 38/2006/487
CHANGE OF USE TO TAKE AWAY FOOD BUSINESS AT 112 STATION ROAD, TAUNTON
9. TAUNTON - 38/2006/539
ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING BUILDINGS AT 86-88 PRIORY BRIDGE ROAD, TAUNTON
10. TAUNTON - 38/2006/563T
APPLICATION TO FELL ONE FOXGLOVE TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO. 3) TREE PRESERVATION ORDER 2006 AT BERNARD TAYLOR HOMES,

MAGDALENE STREET, TAUNTON (TD 1017)

11. TAUNTON - 38/2006/577
ERECTION OF DWELLING ON LAND TO REAR OF 16 STATION ROAD, TAUNTON
12. TAUNTON - 38/2006/599
ERECTION OF BUILDING COMPRISING FOUR FLATS, FORMATION OF PARKING AND RETENTION OF BOUNDARY FENCE AT 87 STAPLEGROVE ROAD, TAUNTON
13. WEST BUCKLAND - 46/2006/041
ERECTION OF 3 NO. BUILDINGS TO PROVIDE 12 NO. INDUSTRIAL UNITS WITH ASSOCIATED SITE WORKS, LAND ADJACENT TO CHELSTON MANOR, CHELSTON, WELLINGTON (REVISION TO PERMISSION 46/2003/016)
14. COMEYTROWE - 52/2006/037
ERECTION OF SINGLE STOREY EXTENSION AND ALTERATION TO ROOF AT 5 LANGHAM DRIVE, COMEYTROWE
15. 38/2006/198 - Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton. Miscellaneous item
16. Revisions to Scheme of Delegation. Miscellaneous item
17. E153/24/2006 and 24/2004/026 - Unauthorised fence, extended garden curtilage and the building of walls within the site at Chestnut Farm, Helland, North Curry. Enforcement item
18. E153/24/2006 and 24/2005/037 - Unauthorised opening in gable wall at Chetnut Farm, Helland, North Curry. Enforcement item
19. E153/24/2006 and 24/2005/065 - New garage not built in accordance with approved plans at Chestnut Farm, Helland, North Curry. Enforcement item
20. E283/38/2006 and 38/2006/479 - Erection of agricultural workshop and machinery repair/store shed and the operation of a commercial vehicle valeting business at Sherford Bridge Farm, Sherford Road, Taunton. Enforcement item
21. E289/38/2006 and 38/2006/581LB - Erection of a satellite dish at the former Wheeltappers, Station Road, Taunton, Enforcement item
22. E391/43/2006 - Various works, including uPVC doors and windows, at Drakes Lodge, Taunton Road, Wellington. Enforcement item
23. E278/06/2006 - Advance signs on the highway verge advertising farm shop at Unit 8, Broadgauge Business Park, Bishops Lydeard. Enforcement item

G P DYKE
Member Services Manager

07 February 2007

Tea for Councillors will be available from 16.45 onwards in Committee Room No.1.

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillor Mrs Allgrove
Councillor Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
The Mayor (Councillor Hindley)
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 24 January 2007

Present:- Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Floyd, Guerrier, Henley, Hindley, House, Lisgo, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer (Development Control Area Manager – West), Mr G Clifford, Development Control Area Manager – East), Mr A Pick (Development Control Officer – West), Mrs J Moore (Development Control Principal Officer – East), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillor Bishop, Councillor N Cavill (as Ward Councillor for application No 48/2006/046), Councillor Mrs Lewin-Harris (as Ward Councillor for applications 06/2006/021 and 022), Councillor Morrell (as Ward Councillor for application No 05/2006/035T) and Councillor Prior-Sankey (as Ward Councillor for applications 38/2006/400 and 505).

(The meeting commenced at 5.00 pm)

1. **Apologies**

The Chairman (Councillor Mrs Marie Hill) and Councillors Denington and C Hill.

2. **Minutes**

The minutes of the meeting held on 13 December 2006 were taken as read and were signed.

3. **Declaration of Interest**

Councillor Morrell declared a personal interest in Agenda item 8, application No 05/2006/035T.

4. **Applications for Planning Permission**

The Committee received the report of the Development Control Manager on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That **outline planning permission be granted** for the under-mentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

21/2006/024

Erection of a dwelling and alteration to access at land to south of White Oaks, Langford Budville.

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C013 – site levels;
- (d) C014A – time limit;
- (e) C101 – materials;
- (f) C201 – landscaping;
- (g) C215 – walls and fences;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before the dwelling hereby permitted is occupied and shall thereafter be maintained at all times;
- (i) The dwelling hereby permitted shall not be occupied until the access, parking and turning area shown on the approved plan has been properly consolidated and surfaced (not loose stone or gravel), to the satisfaction of the Local Planning Authority and shall not be used other than for the parking of vehicles or for the purpose of access;
- (j) 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 drainage shall be provided prior to the access first being brought into use;
- (k) C402 – single storey dwelling;
- (l) C416 – details of size, position and materials of meter boxes;
- (m) P007 – no fencing in front of dwelling.

Notes to applicant:- (1) N061A – Highways Act – Section 184 Permit; (2) N118 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N051B – health and safety; (7) Applicant was requested to give consideration to discussion with BT regarding the relocation of the telephone box on the site.)

Reason for granting outline planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

- (2) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

04/2006/003

Formation of access and erection of 3 No 1.5 storey timber holiday chalets at Paddocks, Bickenhall.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) C412 – restriction of occupation for holiday lets in proposed chalets;
- (e) Any holiday let chalet that is unoccupied and not let to holiday makers for more than a 24 month period shall be demolished and/or removed including the removal of any foundations and/or floor slabs;
- (f) There shall be no additional commercial equestrian activity within the complex and ownership of Paddocks, other than that associated with use by occupiers of the holiday chalets hereby approved or for the personal enjoyment of the occupiers of Paddocks;

(Note to applicant:- (1) Applicant was advised that it will be necessary to agree with Wessex Water a point of connection onto their system for the satisfactory supply of water; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) With regard to the septic tank, applicant was advised that percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage; (4) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata is required.)

Reason for granting planning permission:-

The proposed development would not adversely affect road safety or the landscape and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2 and EC24.

04/2006/006

Change of use of agricultural land to domestic curtilage and erection of pony stable and associated storage building, Forde Barn, Dairy House Lane, Bickenhall.

Conditions

- (a) C001A – time limit;
- (b) The colour of the profiled sheet roofing shall be agreed in writing by the Local Planning Authority before development commences;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the proposal hereby

permitted shall be limited to the domestic and private needs of the occupier of Forde Barn and shall not be used for any business/commercial or other purpose whatsoever;

- (d) C201 – landscaping;

Reason for granting planning permission:-

The proposed development would not adversely affect road safety or visual amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 and S2.

05/2006/035T

Application to fell three Cedar Trees the subject of a Tree Preservation Order at 24 Daws Mead, Bishops Hull.

Conditions

- (a) C019 – time limit;
- (b) The following replacement trees shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Local Planning Authority) in accordance with British Standard BS4428:1989:- one or more trees of an appropriate species (to be agreed with the Local Planning Authority). The trees will be included in the Tree Preservation Order.

(Note to applicant:- Applicant was advised that bats and nesting birds may be present and all operatives on site must be appropriately briefed on their potential presence. If bats are found, then work must stop and Natural England must be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered, must not be disturbed.)

18/2006/017

Erection of stable block and change of use to equestrian use and joint agricultural use at Kiln Lane, Ash Priors.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) Prior to the commencement of any works, details of any fencing or other form of enclosure or boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (d) P006 – no fencing;
- (e) C201 – landscaping;
- (f) C917 – services – underground;
- (g) The stables hereby permitted shall be used for private and domestic purposes only and not as a commercial livery or as a

- commercial riding establishment or any other commercial activity;
- (h) If the period of time between Country Contracts' report, dated October 2006, and the commencement of development extends more than one year, then a further survey shall be commissioned to ascertain any changes in the use of the site by protected species;
 - (i) No external lighting shall be installed without the prior written approval of the Local Planning Authority;
 - (j) Details for the storage of any jumps or related equipment shall be submitted to and approved in writing by the Local Planning Authority;
 - (k) Prior to the commencement of any works, details of the proposed siting and materials to be used for the new access shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Notes to applicant:- (1) Applicant was advised that the lime kiln adjacent to the site is a known bat roost. If works are planned to the lime kiln then a European Protected Species Licence will be a requirement to allow works to be carried out because works could modify or destroy the bat roost. Bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats) Regulations 1994; (2) Applicant was advised to contact the Somerset County Council's Rights of Way Department prior to the commencement of any works to Kiln Lane to ascertain whether any consent is required; (3) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN3 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5.

19/2006/020

Demolition of garage and erection of new dwelling with attached garage, land adjacent to Ivy Cottage, Hatch Beachamp.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local

Planning Authority before any work hereby permitted is commenced;

- (d) C201 – landscaping;
- (e) All new fenestration shall be recessed in accordance with details which shall be agreed in writing by the Local Planning Authority before development commences;
- (f) P001A – no extensions;
- (g) Before development commences, details of all boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The first floor bathroom window to the southern elevation and the first floor en-suite and landing windows to the western elevation shall be obscure glazed and thereafter so maintained unless otherwise agreed by the Local Planning Authority;
- (i) The proposed drainage works as detailed in the independent Water Consultant's letter of 17 November 2006 shall be carried out and completed before work commences on the erection of the dwelling hereby approved and thereafter so maintained;
- (j) No additional access shall be constructed to the highway other than that shown on the plan hereby approved.

(Notes to applicant:- (1) Applicant was advised that there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex Water is currently reviewing available data on these sewers in order to update and revised its sewer records, thus indicating these as "public" in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus; (2) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, any connection onto Wessex Water infrastructure; (3) Applicant was advised of the need to maintain the culvert in its new open condition in compliance with the consultant's details to avoid future flooding problems.)

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential development or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and H2.

29/2006/030

Erection of single storey extension to Abbeywood House, Churchinford.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

35/2006/019

Erection of extension to Oak Barn, Appley.

Conditions

- (a) C001A – time limit;
- (b) Before commencement of any work on site, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall thereafter be implemented;
- (c) C101 – materials;
- (d) C201 – landscaping;
- (e) The garage/car ports hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;
- (f) C654A – windows;
- (g) The cart lodge hereby permitted shall be used in accordance with the details shown on the submitted plan as car port/storage/office use in association with Oak Barn only and shall not be converted into residential accommodation or independent office space without the prior written consent of the Local Planning Authority;
- (h) C112 – details of guttering, down pipes and disposal of rainwater.

Reason for granting planning permission:-

It was considered that the extension met the criteria in Taunton Deane Local Plan Policies S1, S2, H7 and H17 without detriment to the amenities of the locality or character of the area.

Also RESOLVED that the Section 106 Agreement relating to the property be amended to allow for the insertion of an additional rooflight.

35/2006/020

Proposed alterations and extension (revised design to application 35/2006/014) at Bella Vista, Church Lane, Stawley, Wellington.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;

- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation;
- (d) C201 – landscaping.
(Note to applicant:- Applicant was advised to contact the Landscape Officer to discuss the requirements of the landscaping scheme.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, EN12 and H17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1.

38/2006/400

Change of use of building from community hall (D1) to office (B1) at Dodson Hall, Upper Holway Road, Taunton.

Condition

C001A – time limit.

Reason for granting planning permission:-

The existing community hall was located within the existing settlement limits of Taunton outside any defined local centre. There were no specific planning policy restrictions relating to the use of the hall and, as such, a change of use to business use was considered in accordance with the Taunton Deane Local Plan.

38/2006/505

Erection of new office building at Blackbrook Business Park, Taunton.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The development hereby permitted shall not be commenced (including any site clearance) until there has been submitted to, and approved in writing by, the Local Planning Authority a Wildlife Mitigation and Bio-Diversity Enhancement Plan. The Plan shall detail measures for the avoidance of harm and mitigation in respect of legally protected species (Otters, Great Crested Newts, nesting birds and Slow Worms) and include information on persons responsible for the compliance with

planning conditions relating to nature conservation and regular inspection and monitoring of working practices during construction, and measures for the enhancement of bio-diversity through the provision of habitats and features and their future management. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;

- (e) Details of the external lighting on the building or within the car park including the number, size and position of any lighting columns shall be submitted to, and agreed in writing by, the Local Planning Authority prior to occupation of the building;
- (f) C245 – details of surface water disposal;
- (g) Prior to the commencement of development, details of the proposed finished floor levels of the building and the finished ground levels of the site in relation to existing site levels of surrounding land shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be strictly carried out in accordance with the approved details;
- (h) C238 – tree protection in relation to construction;
- (i) Prior to the commencement of development, details of the construction method of the fire escape and working arrangements at the eastern end of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (j) Prior to the commencement of development, details of the proposed siting, design, size and materials of the proposed bin store, recycling area and generator shall be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Systems; (2) Applicant was advised to protect the integrity of Wessex Water Systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (3) Applicant was advised that the Local Planning Authority would seek to ensure that the bin storage and recycling facility is enclosed or that suitable landscaping mitigation measures are in place in the interests of the visual appearance of the site when viewed from Blackbrook Way.)

Reason for granting planning permission:-

The proposed building was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC1, EN5, M3, EN9 and EN28 and material considerations did not indicate otherwise.

Also RESOLVED that a letter be submitted to the County Highway Authority explaining the reasons why it was not possible to require the developer to provide a pedestrian and cyclist crossing facility on

Blackbrook Way through the planning process, and to suggest that the recognised need for such a facility be met by the County Council as soon as possible.

46/2006/031

Erection of two-storey extension to offices, Silver Street Barn, Silver Street, West Buckland.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C203 – landscaping;
- (d) C324 – parking.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2. In view of the proposal being the expansion of an existing business use at the site, the use of the access was also considered to be acceptable.

49/2006/069

Construction of dormer roofs with windows on the north-west and south-east elevations of 24 Spring Gardens, Wiveliscombe.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposal would not have a detrimental impact on the visual amenity of the area or the character of the area or street scene and therefore complied with Taunton Deane Local Plan Policies S1, S2 and H17.

Reason for granting planning permission contrary to the recommendation of the Development Control Manager:-

The Committee felt that the proposal was an appropriate design that would not have a detrimental impact on the visual amenity of the area, the character of the property or the street scene.

51/2006/013

Erection of 5 No industrial units with B1 and B8 use, The Old Basket Works, Lyng Road, Burrowbridge.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than five decibels, expressed in terms of an A-Weighted, 15 minute Leq, when measured at any point on the façade of any residential or other noise sensitive boundary;
- (d) Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above.

(Notes to applicant:- (1) Applicant was advised that for the purposes of this permission background levels should be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes; (2) Applicant was advised to ensure that the capacity of the plant is satisfactory to provide drainage for the maximum likely number of occupants and that any discharges do not exceed the existing Environment Agency's Consent to Discharge limits; (3) Applicant was advised to agree a point of connection onto the Wessex Water System, prior to the commencement of any works on site; (4) Applicant was advised of the fact that the site lies in a flood risk area and an action plan should be drawn up to address risk and evacuation in times of flood.)

Reason for granting planning permission:-

The proposed development would not adversely affect road safety or visual amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and EC7.

- (3) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

20/2006/029

Conversion of barn to dwelling, formation of access track and improvements to access onto Lodes Lane, the barn OS field No 9138, Lodes Lane, Kingston St Mary.

Reasons

- (a) The site lies outside the defined limits of a settlement and within the countryside where the conversion of rural buildings to residential use will not be permitted unless certain criteria are fulfilled. In this case, the proposal does not fulfil some of the criteria as major rebuilding is proposed, no marketing exercise has been undertaken to establish whether a suitable business use would be attracted, the building is not near a public road and it would involve the creation of a residential curtilage which would harm the rural character of the Area of Outstanding Natural Beauty where priority will be given to preserving and enhancing the natural beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies H7 and EN10;
- (b) The existing trackway is not stoned or surfaced at present and therefore its construction and use as a driveway would have a detrimental effect on the rural character of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies EN10 and EN12;
- (c) The proposed improvements to the access to Lodes Lane are likely to require the removal of hedgerow which would be detrimental to the rural character of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies EN6, EN10 and EN12.

27/2006/023

Erection of 13 holiday chalets and provision for 50 No camping pitches and amenity block at land south of Harris's Farm, Hillcommon.

Reasons

- (a) In the opinion of the Local Planning Authority the proposed holiday chalets by reason of their size, design, materials and permanent construction are not considered to comply with the definition of a holiday chalet as defined under Policy EC24 of the adopted Local Plan. As such, the development would be contrary to Policy EC23 covering permanent accommodation due to its location beyond any settlement limit. As such, the proposal would be contrary to Taunton Deane Local Plan Policies EC24 and EC23;
- (b) The proposed holiday chalets and parking/gardens associated with them are not of a scale, form and design in keeping with its surroundings and would appear an intrusive form of development detrimental to the character and visual amenities of the landscape. Furthermore, the proposed amenity block by reason of its siting, form and design would appear an obtrusive development detrimental to the character and landscape of the area. As such, the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5 and Taunton Deane Local Plan Policies S1, S2, S7, EN12, EC23, EC24 and EC25;

- (c) The site has been identified as having a “reasonable likelihood” of the presence of Great Crested Newts in the locality. In the absence of any further ecological/wildlife survey of the application site in response to the request of the Nature Conservation and Reserves Officer, there is no guarantee that the proposal would not have an adverse effect on protected species. Therefore, the Local Planning Authority considers it reasonable to issue a holding reason for refusal on the basis of Taunton Deane Local Plan Policy EN5 and relevant Central Government Guidance.

48/2006/046

Erection of detached dwelling and garage in garden of 21 Heathfield Drive, Monkton Heathfield.

Reasons

- (a) The proposed dwelling would be out of keeping with the established layout and character of this estate of linked dwellings and would detract from the street scene and the visual amenities of the area. Accordingly, the proposal would be contrary to Taunton Deane Local Plan Policies S1, S2 and H2;
- (b) Having regard to the relationship to the proposed dwelling to adjoining residential properties, it is considered that the proposal would adversely affect the residential amenities of the occupiers of these neighbouring properties. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H2.

5. **Erection of mixed use development comprising two units of holiday accommodation, craft village (A3 Planning Use Class), 19 open market houses, 22 affordable housing units (comprising 12 houses and 10 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard (06/2006/021).**

Reported this application.

RESOLVED that in the event of the Local Planning Authority being in a position to determine the application, the application would have been refused for the following reasons:-

- (a) The site is beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to strictly control new development. Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policy S7 state that such development should be restricted to that which benefits the rural economy, maintains or enhances the environment or is for the purposes of agriculture. In the opinion of the Local Planning Authority, insufficient justification has been put forward

for the proposed development sufficient to warrant an exception being made to these policies;

- (b) In the opinion of the Local Planning Authority, it is considered that the proposed tourist development elements of the proposal are unlikely to be viable in the long term, leading to future pressure for other uses for the buildings which would not be in compliance with Taunton Deane Local Plan Policy EC22. Furthermore, the policy does not make provision for enabling development or retail development as proposed or provide for a site of the size indicated on the planning application;
- (c) The proposed development by reason of its siting and appearance would be detrimental to the setting and character of "Slimbridge", which is a listed building, and the rural character and aspect of the railway station and its general surroundings, contrary to Taunton Deane Local Plan Policies EC22 and EN16.

6. Erection of inn with restaurant (A4 Planning Use Class) and associated highway infrastructure, as part of proposed mixed use development comprising holiday accommodation, craft village and housing at Station Farm, Station Road, Bishops Lydeard (06/2006/022).

Reported this application.

RESOLVED that in the event of the Local Planning Authority being in a position to determine the application, the application would have been refused for the following reason:-

The current application for the proposed development has been submitted in conjunction with a mixed use development the subject of planning application 06/2006/021. In the opinion of the Local Planning Authority, the development of this site should not be considered in isolation but only in conjunction with the potential development of the adjoining land, in order to ensure that potential development proceeds in a comprehensive manner in compliance with Taunton Deane Local Plan Policy EC22.

7. Demolition of existing garage buildings and the erection of 24 flats at the former East Reach Sales, East Reach, Taunton (38/2006/523).

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No adverse views from the County Highway Authority on the amended plans; and
- (2) No further representations raising new issues by the 6 February 2007, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-
 - (a) The boundary walls/fences shall be constructed in compliance with the details shown on submitted plan No 744/01H prior to

the occupation of any of the units hereby permitted unless an alternative scheme is first submitted to, and approved in writing by, the Local Planning Authority;

- (b) The windows in flat Nos 7,8 and 11 on the submitted plans shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (c) Prior to their erection on site, details of the proposed entrance gates shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include an automated electronic operating system. The gates and approved operating system shall be installed in accordance with the approved details prior to the occupation of any of the units hereby permitted and shall thereafter be maintained in working order to the satisfaction of the Local Planning Authority;
- (d) Prior to the commencement of any construction works on site, details for the disposal of surface water so as to prevent its discharge onto the highway shall be submitted to, and approved in writing by, the Local Planning Authority. The hereby agreed surface water disposal shall be fully implemented on site prior to the occupation of any of the units hereby approved;
- (e) Prior to the commencement of any construction works on site, details of the new access, constructed as a vehicular crossing shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed access shall be constructed in accordance with the approved details prior to the commencement of construction work on site and thereafter maintained;
- (f) Any entrance gates erected shall be hung to allow a minimum distance of 5.5m between the back of footway and the nearest part of the gate when open or in the process of being opened and maintained as such thereafter;
- (g) Prior to the occupation of any of the units hereby permitted, the existing central traffic island in East Reach shall be extended and modified in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) Prior to the occupation of any of the units hereby permitted, extra vehicle detector loops shall be installed in the carriageway on the westbound approach to the signal controlled junction in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) Prior to the occupation of any of the units hereby permitted, a service lay by shall be provided in a position and to a specification in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;

- (j) The existing access shall be stopped up and its use permanently abandoned within 3 months of the new access hereby permitted being first brought into use.
(Note to applicant:- NO61A - Highways Act – Section 184 Permit.)

Reason for approving detailed plans, if granted:-

The proposed residential and commercial development lay within the central area of Taunton where the principal of such uses was acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4 and Taunton Deane Local Plan Policy S1, S2, H2, M4 and EC9.

8. **Erection of 14 flats on land adjacent to Wessex Lodge, 11/13 Billet Street, Taunton (38/2006/535).**

Reported this application.

RESOLVED that subject to the applicants entering a Section 106 Agreement or unilateral undertaking relating to the provision of sports and recreation contributions by the 22 February 2007, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
 - (b) C101 – materials;
 - (c) C910B – archaeological programme;
 - (d) C414 – no increase in site level;
 - (e) C416 – details of size, position and materials of meter boxes;
 - (f) C331 – provision of cycle parking;
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N075 – Section 106 Agreement; (3) N118A – disabled access; (4) N051B – health and safety; (5) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours, Saturdays 0800 to 1300 hours. At all other times, including public holidays, no noisy working.)

Reason for planning permission, if granted:-

The proposed building respected the setting of the adjacent listed building, was appropriate in the street scene and did not cause demonstrable harm to residential amenity. The site's town centre location made it suitable for a car-free development. The proposal therefore accorded with the requirements of Taunton Deane Local Plan Policies S1, S2, H2, EN16 and M4.

Also RESOLVED that should the Section 106 Agreement or the unilateral undertaking not be completed by the 22 February 2007 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane

Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement or unilateral undertaking prior to the commencement of development.

9. **Sub-division of Calypso, Rectory Close, Staplegrove into two units of accommodation.**

Reported that a complaint had been received that the dwelling known as Calypso, Rectory Close, Staplegrove, Taunton had been sub-divided into two units of accommodation without the necessary planning permission.

The owner of the property had been contacted and a planning application to regularise the situation had been submitted, but this had been refused under delegated powers.

RESOLVED that:-

- (1) Enforcement action be taken to return the property known as Calypso, Rectory Close, Staplegrove, Taunton to one unit of accommodation; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

10. **Extension not built in accordance with approved plans as 31 Shoreditch Road, Taunton**

Noted that this report had been withdrawn from the Agenda as a further application for planning permission was due to be submitted.

(The meeting ended at 10.04 pm)

25/2006/020

BARRATT HOMES EXETER,
BELLWAY HOMES (SW),
STRONG VOX

DEVELOPMENT COMPRISING EMPLOYMENT, RESIDENTIAL (373 DWELLINGS), AND VILLAGE CENTRE (INCORPORATING HEALTH CARE FACILITIES, TWO VILLAGE SHOPS, RETAIL UNIT AND PUBLIC HOUSE), PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD AND PROVISION OF INFRASTRUCTURE AND SERVICES, FORMER CIDER FACTORY, NORTON FITZWARREN, AS AMENDED BY LETTER DATED 24TH JANUARY 2007 WITH ACCOMPANYING DRAWINGS NOS. 1045/100/C, 109/A AND 110A, AND LETTER DATED 26TH JANUARY 2007 WITH ACCOMPANYING DRAWINGS NOS 668/03B, 10/10B, 11/10B, 12/11B, 12/15A, 12/16B, 16/11B, 16/10A, 18/10, 14/10B, 15/10B, 15/11B, 17/25, 17/24, 17/11A, 17/15B, 17/10A, 17/16B, 16/01B, 12/05B, 12/01B, 11/01B, 10/1B, 18/1, 18/03, 18/02, 18/01, 17/02, 17/01A, 17/21, 17/22, 17/23, 15/02B, 15/01B, 14/01B, 17/07A, 17/06A, 17/05A, 17/03A, 2A04.1-10, 2A02.1-11, 2A02.1-00, 2A02.1-01, 2A04.1-00, 2A04.1-01 AND DRAWINGS 1045/100D, 109B AND 1045/110B RECEIVED ON 5TH FEBRUARY, 2007

319630/125660

1.0 **RECOMMENDATION**

Subject to:-

The applications submitting a satisfactory Unilateral Undertaking to provide:-

- (a) the provision of 24 units of affordable housing;
- (b) the repayment of £147,000 to the Council for design costs on the proposed dam;
- (c) the construction of the local centre building comprising the health centre and retail provision prior to occupation of 50% of the residential units;
- (d) the provision of the office buildings prior to occupation of 75% of the residential units; and
- (e) payment to the Council of any residue from the costs of constructing the culvert under the B3227 (cost assumed £588,000) such residue to benefit the local community;

the Development Control Manager be authorised to determine the application in consultation with the Chair/Vice Chair, and be given delegated authority to determine the application in the light of any further comments on the

amended plans and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 The external surfaces of the development hereby permitted shall be of materials as shown on the plan hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:1991. Such fencing shall be erected prior to any other site operations and at least 2

working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 8 and detailed in figures 4 and 5 of B.S.5837:1991.

- 05 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 06 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 06 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 07 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 10 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 10 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 11 The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a

- phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of amenity open space.
- 11 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 12 The children's play areas shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of children's recreation.
- 12 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 13 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 14 Work (including demolition and site clearance) shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the work (including demolition and site clearance) shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.
- 14 Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994, in accordance with Taunton Deane Local Plan Policies EN4 and EN5.
- 15 No site clearance works or development (or specified operations) shall take place between 1st March and 31st July without the prior written approval of the Local Planning Authority.
- 15 Reason: To ensure that wild birds building or using their nests are protected and the authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all British birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Taunton Deane Local Plan Policy EN5.
- 16 No development shall commence until plans for an otter ledge beneath the road and railway at the downstream end of the site (eastern end) and, an otter tunnel under the same road bridge on the opposite bank

have been agreed in writing by the Local Planning Authority in conjunction with advice from Natural England (Wildlife Licensing/Species Protection).

16 Reason: To maintain otter movements and avoid dislocation of habitat links.

17 The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, a wildlife mitigation and biodiversity enhancement plan. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species affected by the development: bats, otters, slow worms and nesting birds; and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The plan should be based upon the mitigation strategies proposed in the Environmental Statement (Entran August 2006) and proposed measures shall be informed by up to date surveys and include:- 1. Details of the results of further survey work; 2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during all stages of development, including ground works, demolitions and construction; 3. Details of timing of works to avoid periods of the year when sensitive wildlife could be harmed by disturbance; 4. Details of provision of new/replacement bat roosts and otter holt sites; 5. Retention of trees and shrubs identified as being important for protected species, within the applicant's control and a scheme of planting, including details of species, that will enhance the habitat in the adjacent/surrounding area for protected species; 6. Measures for the long term management, security and maintenance of habitat for protected species; 7. Measures that will enhance, restore or add to biodiversity conservation interests ('biodiversity gain') as encouraged by PPS9; 8. Persons responsible for:- (a) Compliance with legal consents relating to nature conservation (including applying for European Protected Species licences); (b) Compliance with planning conditions relating to nature conservation; (c) Installation of physical protection measures during construction; (d) Implementation of sensitive working practices during construction; (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; (f) Provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

17 Reason: To protect legally protected species in accordance with Taunton Deane Local Plan Policy EN4 and EN5.

18 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture

shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

- 18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 19 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 20 The visibility splays shown on the approved plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles.
- 21 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 22 The car parking area shown on the approved plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use.
- 22 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 23 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 23 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 24 Prior to the demolition of Morse's House, Home Place/Edithmead and the Doll's House, an annotated map indicating the former uses of the buildings and photographic survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority.
- 24 Reason: To ensure that appropriate information is secured to record the building prior to demolition.
- 25 Provision shall be made for the parking of cycles at the proposed office buildings and village centre in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall

be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

- 25 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 26 Details of the design and appearance of the abutments to the proposed road bridges and footbridges over the Halse Water shall be submitted to and approved in writing by the Local Planning Authority.
- 26 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 27 No part of the development hereby approved shall be commenced until the expiration of fourteen days following notice given in writing to the Environment and Property Dept, County Hall, Taunton, TA1 4DY, of the intention to commence development. During the development the developer shall afford access at all reasonable times to archaeologists nominated by the Environmental and Property Dept, and shall allow them to observe the excavation and to record items of interests and finds.
- 27 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 28 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning

Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

28 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

29 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

29 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).

30 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

30 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

31 Development shall not commence until such time as the off-site attenuation facility (dam above Monty's Lane) has been constructed and received it's 'Interim Certificate' from the 'Supervising Engineer' (Reservoirs Act 1975).

31 Reason: To ensure no adverse flood risk arises to the development and third parties from the Halse Water in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

32 Development shall not commence until such time as the detailed design and implementation of the on-site flood management works have been approved in writing by the Local Planning Authority.

32 Reason: To ensure no adverse flood risk arises to the development and third parties from the Halse Water in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

33 Subject to satisfactory completion of Condition 32 (above), the following on-site works can be completed prior to the issuing of the 'Interim Certificate' (Condition 31 above):- (i) Channel reprofiling and

operational maintenance access ramps to the Halse Water; (ii) Culverting of the Norton Brook; (iii) Site demolition works – provided no material stockpiles are left within the flood plain of the Halse Water.

33 Reason: To ensure no adverse flood risk arises to the development and third parties from the Halse Water in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

34 Built development above existing ground levels shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority.

34 Reason: To ensure the integrity of the on-site flood risk management works and satisfactory integration of the surrounding built development in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

35 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage, which incorporates sustainable drainage techniques (SUDS), has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

35 Reason: To prevent an increased risk of flooding by ensuring a satisfactory means of surface water disposal in accordance with PPS25 and Taunton Deane Local Plan Policy EN28.

36 No development approved by this permission shall be commenced until an operation and maintenance manual for the flood management works has been submitted to and agreed by the Local Planning Authority. The manual shall identify all maintenance access routes from the points on the public highway.

36 Reason: To ensure the future maintenance and operation of the flood management works is suitably addressed in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

37 All culverted watercourses shall require a 3.0 m wide undeveloped easement strip either side of the culvert to be clearly identified.

37 Reason: To ensure that the future maintenance of the culverted watercourses can be accommodated in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

38 No development agreed by this permission shall be commenced until the detailed design for the proposed new 'flood wall' to the properties along Station Road has been submitted to and approved in writing by the Local Planning Authority. The flood wall shall be completed to the satisfaction of the Local Planning Authority prior to any works that affects the integrity of the existing flood defence.

38 Reason: To ensure no adverse effects to the existing flood management works and the continual protection from flooding to these properties in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

39 Minimum finished ground levels are to be set at Halse Water 100 year flood level plus climate change provision, plus 300 mm. Minimum finished floor levels shall be set at Halse Water 100 year flood levels

plus climate change provision, plus 600mm. The above 100 year flood levels to be based on a Mannings 'n' roughness value of 0.05.

39 Reason: To ensure flood risk to the new development from the Halse Water is minimised in accordance with the aims of PPS 25 and Taunton Deane Local Plan Policy EN28.

40 Prior to the commencement of development a culvert shall be provided under the B3227 to address flooding issues identified in the Flood Risk Assessment. Details of the culvert shall be submitted to the Local Planning Authority for prior approval in writing.

40 Reason: To minimise the risk of flooding on the B3227 in the interests of road safety and in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

41 Flood Risk Management works shall be in accordance with the aims and conclusions of the Flood Risk Assessment date January 2007 Ref: 1012-WX21821-NER-03, or other, as agreed with the Environment Agency.

41 Reason: To ensure a suitable flood risk management scheme is implemented for the development needs in accordance with PPS 25 and Taunton Deane Local Plan Policy EN28.

42 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

42 Reason: To prevent pollution of the water environment.

43 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

43 Reason: To prevent pollution of the water environment.

44 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

44 Reason: To prevent pollution of the water environment.

45 No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that an adequate sewerage infrastructure will be in place to receive foul water discharges from the

- site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.
- 45 Reason: To prevent pollution of the water environment.
- 46 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 46 Reason: To enable discharges from individual premises or buildings to be inspected and sampled.
- 47 During construction, vehicles shall not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.
- 47 Reason: To prevent pollution of the water environment.
- 48 During construction, river water shall be diverted away from the excavation site using coffer dams. Work should stop immediately if the coffer dams are breached or flooded.
- 48 Reason: To prevent pollution of the water environment.
- 49 During construction, the storage of fuels for machines and pumps shall be sited well away from any watercourse. The tanks shall be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- 49 Reason: To prevent pollution of the water environment.
- 50 An Environmental Management Plan for the future maintenance arrangements for the on-site and off-site flood alleviation works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development
- 50 Reason: To maintain otter movements and avoid dislocation of habitat links.
- 51 Prior to the commencement of any works (including demolition and site clearance), a Code of Practice for demolition and construction traffic accessing the site (to cover items such as hours of operation, noise control and site clearance and vehicle routes) shall be submitted to and approved in writing by the Local Planning Authority.
- 51 Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 52 Notwithstanding the site layout plan, further details for the provision of a light-controlled pedestrian crossing at a location on the B3227 should be submitted to and approved in writing by the Local Planning Authority. The approved crossing shall be provided to the satisfaction of the Local Planning Authority prior to the occupation of any of the development hereby approved.
- 52 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 53 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 by the Local Planning Authority prior to the development hereby permitted first being brought into use.

- 53 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 54 Prior to any of the proposed development being occupied a 1.8 m high trespass resistant fence shall be erected parallel to but separate from the railway fence in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 54 Reason: In order to reduce the incidence of trespass and vandalism on the railway track.

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 Your attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Development Control Manager and/or the Council's Arts Officer in the first instance.
- 03 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 04 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 05 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 06 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 07 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 08 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is

available from the Health and Safety Executive Infoline (08701 545500).

- 09 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8.0 m of the top of the bank of the Halse Water and Norton Brook, designated a 'main river'.
- 10 With regard to condition 42 any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent.
- 11 The applicant is advised to confer with Wessex Water regarding the availability, location and adequacy of the existing public sewerage, pumping station and sewage treatment facilities. There must be no discharge from the proposed pumping station.
- 12 During construction, any discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.
- 13 The Environment Agency must be advised if a discharge to a watercourse is proposed, as the developer will require a formal consent to discharge.
- 14 The Environment Agency would advise that all works must be undertaken in accordance with Agency Pollution Prevention Guideline Number 5 (Works in Near or Liable to Affect Watercourses) and Pollution Prevention Guideline Number 6 (Working at Demolition and Construction Sites) copies of which are available on the Agency's website.
- 15 Buildings when demolished can give rise to Hazardous Wastes. These are subject to additional control prior to disposal. The Environment Agency would be pleased to advise the applicant regarding the regulations concerning Hazardous Waste.
- 16 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and the licensable status of any proposed offsite operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 17 If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.
- 18 If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing maybe required. Under such circumstances, a written application, including details of the nature and quantity of material to be used, must be submitted to the Environment Agency, prior to works commencing.
- 19 The Agency must be notified immediately of any incident likely to cause pollution.
- 20 The proposed development site overlies a Minor Aquifer as defined by the Environment Agency's 'Policy and Practice for the Protection of Groundwater' . Further, the soils in this vicinity are classified (H1) of High Vulnerability and Leaching Potential i.e. soils with little ability to

attenuate diffuse source pollutants and in which non-adsorbed diffuse source pollutants and liquid discharges have the potential to move rapidly to underlying strata or to shallow groundwater. H1 soils readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock, gravel or groundwater.

- 21 It is noted from the ES that potential sources of contamination have been identified. It is also noted that Appendix 9.5 states that a Ground Investigation Report has been produced for the site. The Environment Agency concurs with the recommendations in that report for further work to be undertaken, including a Desk Study and further ground investigations. The Agency would welcome the opportunity to view the results of any such investigation. The Agency recommends that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from the Agency's website: ww.environment-agency.gov.uk. The Agency also recommends that developers use BS 10175 2001, Investigation of potentially contaminated sites - Code of Practice as a guide to undertaking the desk study and site investigation scheme.
- 22 You are advised that there are public rights of way recorded on the Definitive map that cross the proposed area of the development. If the work involved in carrying out this proposed development would:- (a) make a PROW less commodious for continued public use; (b) create a hazard to users of a PROW; then a temporary closure order will be necessary and a suitable alternative route must be provided. If this development would result in any increased danger adjacent to a PROW then adequate signage and fencing should be provided. If it is considered that the development would result in (a) a PROW been made less commodious for continued public use; (b) a PROW'S route been changed/impeded upon; (c) or changes to the surface of a PROW being needed; then authorisation for these works must be sought from Somerset County Council Rights of Way Group prior to them been undertaken.
- 23 A public sewer crosses the site. There must not be any building within 3 m on either side. Alternatively, if appropriate, diversion may be feasible and should be discussed with Wessex Water.
- 24 In line with Government Policy, the Applicant is advised to contact Developer Services to discuss the adoption of the on-site or off-site drainage systems, under a Section 104 Agreement. Wessex Water Developer Services Riverside Chilton Trinity TA6 3JS.
- 25 Network modelling is required to determine the point of adequacy and possible need for any network reinforcements to ensure an adequate water supply. There would be a charge for this work.
- 26 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

- 27 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
- 28 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.
- 29 The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated.
- 30 Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.
- 31 No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. As part of this application alterations are proposed to the footbridge across the railway line, this will require the formal agreement of Network Rail to ensure that the railway is adequately safeguarded during the work and thereafter.
- 32 The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.
- 33 The developers should ensure that their proposals do not cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.
- 34 It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.
- 35 The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.
- 36 Should the development include proposals for external lighting this may conflict with Network Rail's signalling system. The developers should obtain Network Rail's approval of their detailed proposals.
- 37 With regard to Condition 51 regard should also be had to paragraphs 7.114 and 7.115 of the Environmental Statement.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be compatible with National and Local Planning Policies which encourage

sustainable, mixed use development on previously developed land. The proposed development is in general compliance with Taunton Deane Local Plan Policies T4- T7 and will enable the provision of flood alleviation works which will reduce the incidence of flooding in the locality.

2.0 **APPLICANT**

Barratt Homes Exeter.
Bellway Homes (S)
Strongvox.

3.0 **PROPOSAL**

The proposal provides for a mixed use development comprising residential and employment use, village centre incorporating health care facilities, retail units and public house, construction of part of the Norton Fitzwarren Relief Road and provision of infrastructure and services. The residential component comprises a total of 373 units, including affordable housing provision. Units range from 1 – 4 bed accommodation through a mix of houses and apartments. 24 affordable units are to be provided in the form of 1 and 2 bedroom flats as part of the village centre. The density of the proposed development is approximately 48 dwellings per hectare (inclusive of roads and public open space).

The submission included a Planning Policy Statement, Design Statement and Environmental Statement. The Environmental Statement presents the results of the Environmental Impact Assessment for a wide range of disciplines including landscape and visual aspects, ecology and nature conservation, soils, geology, contamination, water quality, hydrology, flood risk and transportation. Potential impact of the development are assessed, key environmental constraints to the development are identified and mitigation measures described.

The proposal envisages two distinct development areas that will be separated by the realigned Halse Water which runs through the site in an east-west direction. The northern portion of the site lies between Halse Water and the B3227 will comprise of residential dwellings, a public house, health centre and retail facilities. Its primary vehicular access will be on to the B3227. The existing Station Road connection to the B3227 will be restricted to an 'access only' road, providing a secondary access point. The southern development area lies between Halse Water and the main line railway. This will comprise of residential units and office development with vehicular access gained from the new Norton Fitzwarren Relief Road, which will be located along the southern edge of the application site. The Relief Road will connect into the section of the same road which passes through the proposed development at the Taunton Trading Estate, which in turn links into Silk Mills Lane by way of a traffic controlled junction. The Relief Road will not connect to Station Road. The Relief Road will be 7.5 m wide and provide a ghost island right turn facility into the site. It will have a pedestrian footway along its southern side and a shared pedestrian/cycleway along its northern side.

The two development areas will be physically connected via a 7 m wide bridge, which will provide passage to pedestrians, cyclists and emergency vehicles. It will not be open to other vehicular traffic, with its use being restricted by collapsible bollards.

There will be a new signalised pedestrian crossing facility on the B3227 just east of the site access.

There is a right of way in place connecting the existing and proposed development with land opposite the railway line. Part of the existing footbridge will be reconstructed adjacent to the new Relief Road.

There will be a central area of open space alongside the reprofiled Halse Water, being overlooked by new dwellings. Three local areas for play are proposed throughout the site.

4.0 **THE SITE**

The site lies at the western end of the settlement of Norton Fitzwarren. The site is bounded to the south and west by open countryside and the main line railway. To the east is a small pocket of residential development, together with a public house, shop/post office and fish and chip shop. Further east along the B3227 is the Taunton Trading Estate. The main bulk of existing residential development in the village lies to the north of the B3227. Within this area is All Saints Church.

The site is currently vacant and derelict and is covered predominantly by the former cider factory buildings and offices and hardstandings. It extends to 8.5 ha. The buildings on the site are of various sizes. Modern buildings include smaller brick and block office units and larger factory and storage warehouses, many of which are 10 m in height. Many of the large brick and steel framed buildings have metal roofs.

Commercial activity in Norton Fitzwarren was centred for a long time around the former Matthew Clark Cider Factory and the Taunton Trading Estate. The cider factory has subsequently relocated and production is now focussed at Shepton Mallet. Matthew Clark Ltd ceased cider production at Norton Fitzwarren in 1998 and the site has remained derelict ever since.

5.0 **RELEVANT PLANNING HISTORY**

There have been numerous planning applications at the cider factory, most of which relate to the industrial and office uses and buildings on the site and are therefore not relevant to the current application. There has been no planning applications for residential development prior to the current application.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG) 10

Policy SS1 Regional Spatial Strategy

Policy SS 3 The Sub-Regional Strategy

The planning of development and infrastructure investment in the region should be based on the following sub-regional objectives:-

....

Central sub-region

- raise the economic performance of the sub-region;
- encourage sustainable growth at Exeter and Taunton and economic diversification at Torbay;
- improve transport and economic links within and through the sub-region and with neighbouring areas;
- focus housing, employment, retail and social facilities in sustainable locations to reduce social exclusion and rural need;
- conserve and enhance important environmental assets.

...

Policy SS5 Principal Urban Areas

Policy SS14 Taunton

Local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Taunton:-

- an enhanced role as a focal point for increasingly diversified economic activity and as a commercial, cultural and service centre for the central part of the region;
- balanced housing and economic development, facilities and services consistent with the town's enhanced role;
- investment in transport and other infrastructure and facilities to support this strategy, including measures to address capacity problems at M5 junction 25.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR2 Towns

POLICY STR4

DEVELOPMENT IN TOWNS

New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

POLICY STR7

IMPLEMENTATION OF THE STRATEGY

To ensure that development in Somerset and the Exmoor National Park is implemented in a way that meets the sustainable development aims of the strategy, development should fairly and reasonably contribute towards the provision of relevant community services and facilities, environmental improvements and infrastructure, that are directly related to and necessary for the development to proceed.

POLICY 35

AFFORDABLE HOUSING

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. This provision shall meet an identified local need and should be available and affordable to successive occupiers.

Policy 39 Transport and Development

POLICY 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

POLICY 44

CYCLING

Urban and longer distance facilities for cyclists should be improved by maintaining and extending the cycle network between residential areas and schools, shops, community facilities and workplaces, and by making the best use of existing highway infrastructure. Improvements to the highway should provide for safe use by cyclists.

Policy 45 Bus

Policy 49 Transport Requirements of New Development

Policy 60 Floodplain Protection

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S3

Proposals incorporating a mix of uses will be permitted, provided that:

- (A) only uses which accord with the development plan policies applying to the site or area are incorporated, including the accessibility of the site for non-car transport modes;
- (B) only uses which would be compatible with each other and the surrounding area are incorporated, taking account of any mitigation measures proposed; and
- (C) the scheme is designed as a unified whole.

Proposals forming part of a larger mixed-use allocation (policies T2, T3, T4 & T8) will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure.

Policy H1

The development of sites allocated for housing will be in accordance with the phasing strategy of this policy, which seeks to ensure that priority is given to the development of previously developed brownfield sites and maintaining a sufficient supply of land for residential development.

Sites identified in Phase 2 are not anticipated to commence development until after April 2006, although planning permission may be granted prior to this date subject to conditions regarding infrastructure provision and necessary lead times.

The performance of the phasing strategy will be monitored, reviewed and rolled forward on an annual basis. Where sites are coming forward at a rate different to that anticipated in this policy and, having regard to the considerations set out below, it is found to be necessary to adjust the strategy, this will be implemented through a supplementary planning document.

- (A) The need to achieve sustainable development.
- (B) The need to enable the necessary annual housebuilding rate.
- (C) The contribution from non-allocated sites.
- (D) The receipt of market intelligence.
- (E) Other material considerations.

	Phase 1	Phase 2
...		
Norton Fitzwarren	120	650
...		

Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or

walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);

- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

Policy H9

On suitable housing sites, the provision of affordable dwellings will be sought where:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

Policy H10

Indicative targets for affordable housing, as a percentage of the dwellings on each site, will be sought on allocated sites as set out in the following table:

<i>Site Name</i>	<i>Policy Reference</i>	<i>Indicative Target</i>
TAUNTON		
Tangier	T2	25%
Firepool	T3	25%
Norton Fitzwarren	T5	20%
Monkton Heathfield	T9 & T10	35%
East of Silk Mills	T13	35%
SWEB Depot	T14	30%
Hamilton Road	T15(A)	30%
St James Street	T15(C)	30%
The Uppers, Greenway Road	T15(H)	35%
WELLINGTON		
Tonedale Mill	W2	20%
Cades Farm	W3	35%
BISHOPS LYDEARD		
Gore Farm	BL1	30%
CREECH ST MICHAEL		
Hyde Lane	CM1	35%
WIVELISCOMBE		
Style Road	WV1	30%

Policy H19 Designing out Crime

Policy EC9

Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

Policy EC11

Beyond the town centres, the vitality and viability of local service provision within Taunton and Wellington will be maintained and enhanced and the level and diversity of such facilities improved. This will be achieved as follows:

- (A) by allocating new local centres within the major development site proposals for Norton Fitzwarren and Monkton Heathfield;
- (B) by permitting the provision of additional or enhanced local facilities within or adjoining the existing local centres; and
- (C) by permitting proposals for individual local shops and public houses elsewhere within the defined settlement limits of Taunton and Wellington, subject to there being no adverse impact upon the vitality and viability of a defined local centre (existing or proposed).

Policy EC15

The range of shopping and service facilities serving the associated settlements, rural centres and villages will be maintained and enhanced, as follows:

- (A) proposals to provide new rural services, including shops, public houses and surgeries will be permitted within the defined settlement limits;
- (B) applications which seek to improve the viability of existing services through refurbishment, conversion or extension will be permitted; and
- (C) proposals which would result in the loss of shops or other community services will not be permitted where this would damage the viability of a settlement or increase car travel by local residents as a result of a significant or total loss of such services to the community.

Policies M1 - M3 Transport, access and circulation requirements of new development

Policy M4

In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:

- (A) the impact on urban design;
- (B) the location of the development, and its accessibility to employment opportunities and services;
- (C) the type and mix of the proposed dwellings.

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the

conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows:

- (D) 1 space for all residential units with between 1 and 3 bedrooms;
- (E) 2 spaces for residential units with four bedrooms or more.

Policy M5 Cycling

Policy C1 Education provision for new housing

Policy C4 Standards of recreational open space provision

Policy C6

Proposals which would require the closure or diversion of a public right of way will not be permitted unless a suitable alternative route is proposed which would not reduce the amenity of, or unduly inconvenience, users.

Policy EN4 Wildlife in buildings to be converted or demolished

Policy EN5 Protected Species

Policy EN9 Tree Planting

Policy EN28

Land with little or no risk of flooding will be the priority location for development. Where material planning considerations dictate that development cannot be located on land with little or no risk of flooding, the preference for site selection will be as follows:

- (A) (i) land with low to medium risk of flooding; followed by
 - (ii) land with a high risk of flooding; in the following order of preference:
 - (iii) developed areas; followed by
 - (iv) undeveloped and sparsely developed areas; followed by
 - (v) functional flood plains.

Where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to the following standard:

- (B) (i) within Taunton and its associated settlements, 1 in 200 year; or
- (ii) elsewhere, 1 in 100 year.

Where, exceptionally, permission is granted for development within an undeveloped or sparsely developed area of high risk, the threat of flooding should be managed to ensure that the development is and remains safe throughout its lifetime and does not increase flood risk elsewhere.

Policies T4 – T7

These policies relate to the Major Development Site (MD's) at Norton Fitzwarren of which the current application forms a part. The other major component of the MDs is the Taunton Trading Estate, which has the benefit of outline planning permission.

These policies are set out as an Appendix to this Report.

In November 1999 the Borough Council published a Draft Development Guide for Norton Fitzwarren. The primary purpose of the Guide was to provide a framework for the comprehensive redevelopment of the site.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

Planning Policy Statement 1 – ‘Delivering Sustainable Development’ (PPS1)

- Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:-
- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
 - contributing to sustainable economic development;
 - protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
 - ensuring high quality development through good and inclusive design, and the efficient use of resources; and

- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13	Key Principles
Paragraph 23	Sustainable Economic Development
Paragraph 27	Delivering Sustainable Development – General Approach
Paragraph 29	In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Paragraphs 33 – 39 Design

Planning Policy Statement 3 – ‘Housing’ (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 26/26 Market Housing

Paragraphs 27 – 30 Affordable Housing

Paragraph 40	A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.
Paragraph 45	Using land efficiently is a key consideration in planning for housing. Regional Spatial Strategies should set out the region’s housing density policies, including any target.
Paragraph 69	In general, in deciding planning applications, Local Planning Authorities should have regard to:- <ul style="list-style-type: none"> – Achieving high quality housing. – Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people. – The suitability of a site for housing, including its environmental sustainability.

- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’ (PPS9)

Paragraphs 15/16 Species Protection

Planning Policy Statement 25 ‘Development and Flood Risk’ (PPS25)

Paragraph 5 The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Paragraph 6 Regional planning bodies (RPBs)² and local planning authorities (LPAs) should prepare and implement planning strategies that help to deliver sustainable development by:-

Appraising risk

- identifying land at risk and the degree of risk of flooding from river, sea and other sources in their areas;
- preparing Regional Flood Risk Appraisals (RFRA) or Strategic Flood Risk Assessments (SFRAs) as appropriate, as freestanding assessments that contribute to the Sustainability Appraisal of their plans;

Managing risk

- framing policies for the location of development which avoid flood risk to people and property where possible, and manage any residual risk, taking account of the impacts of climate change;
- only permitting development in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding;

Reducing risk

- safeguarding land from development that is required for current and future flood management e.g. conveyance and storage of flood water, and flood defences;
- reducing flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS);
- using opportunities offered by new development to reduce the causes and impacts of flooding e.g. surface water management plans; making the most of the benefits of green infrastructure for flood storage, conveyance and SUDS; re-creating functional floodplain; and setting back defences;

A partnership approach

- working effectively with the Environment Agency, other operating authorities and other stakeholders to ensure that best use is made of their expertise and information so that plans are effective and decisions on planning applications can be delivered expeditiously; and
- ensuring spatial planning supports flood risk management policies and plans, River Basin Management Plans and emergency planning.

Paragraph 16 LPAs allocating land in LDDs for development should apply the Sequential Test (see Annex D and Table D.1) to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. A sequential approach should be used in areas known to be at risk from other forms of flooding.

Paragraph 18 If, following application of the Sequential Test in Annex D, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied as detailed in paras. D9–D14. The Test provides a method of managing flood risk while still allowing necessary development to occur.

Paragraph 19 The Exception Test is only appropriate for use when there are large areas in Flood Zones 2 and 3, where the Sequential Test alone cannot deliver acceptable sites, but

where some continuing development is necessary for wider sustainable development reasons, taking into account the need to avoid social or economic blight and the need for essential civil infrastructure to remain operational during floods. It may also be appropriate to use it where restrictive national designations such as landscape, heritage and nature conservation designations, e.g. Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS), prevent the availability of unconstrained sites in lower risk areas.

Paragraph 20 Where use of the Exception Test is required, decision-makers should apply it at the earliest stage possible in planning, to all LDD allocations for development and all planning applications other than for minor development.⁷ All the three elements (see para. D.9, Annex D) of the test will have to be passed for development to be allocated or permitted.

Planning Policy Guidance Note 4 – ‘Industrial, Commercial Development and Small Firms’ (PPG4)

Paragraph 13 Development Control – A Positive Approach

Paragraphs 14 – 18 Mixed Uses

Paragraphs 21 – 23 Re-use of Urban Land

Paragraphs 27 – 31 Imposition of Conditions

Planning Policy Guidance Note 13 – ‘Transport’ (PPG13)

The introduction of this document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport.

Paragraphs 4 – 6 Objectives

Paragraphs 12 – 17 Housing

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 – 74 Public Transport

Paragraphs 75 – 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

8.0 **CONSULTATIONS**

County Highway Authority

"The development site is allocated for residential development in the Taunton District Local Plan 2004. It is also a brown-field site being previously the Taunton Cider Factory. In consequence, there is no objection in principle to the proposed development.

The Local Plan suggests that access to the development is achieved by a junction onto the B3227 in the main village street and by an extension of the new Norton Fitzwarren Relief Road intended eventually to be a village by-pass, proposed in connection with the mixed-use development into the east.

Two accesses serve the development and are connected by a bridge over the Halse water which, until the completion of the by-pass, will not take vehicular traffic.

The development proposes 373 dwellings in a village centre including village shops and, in consequence, it is clear that it will generate significant additional traffic over and above that generated by the previous use of the land. In order to assess the affect of the development on the local highway network, a Transport Assessment has been prepared. The Transport Assessment has used the Taunton and surrounding area road traffic model (TSRT) to predict future traffic flows in the area and evaluate the affect of traffic on the tested junctions. Its conclusions are that, as the site's traffic is split by the two accesses, there is no significant impact from the development onto the local highway network.

The County Council has evaluated the Transport Assessment and finds it deficient in some of its approaches to the traffic modeling. This means that it under-estimates the traffic and unfairly apports it over the tested area. It also makes assumptions that as additional traffic is redistributed towards the

site when and if the Taunton Northern Outer Distributor Road (TNODR) is completed (due 2015), then this development should make no contributions to alterations to the Cross Keys and Silk Mills roundabouts which are shown within the Transport Assessment to be over capacity. This lack of contribution is contested by the Highway Authority who contend that the increased traffic on these roundabouts from the development justify a contribution to their improvement. Further negotiation on this with the Developer is necessary. It should also be noted that the TNODR is a long-term aspiration of Somerset County Council but is not in any current programme for delivery.

The site junctions have also been tested. The northern junction is acceptable as a priority junction. The details submitted showing the right-turning lane shows a junction in an appropriate location, however, its design requires modification and these alterations have been conveyed to the applicant.

Questions have been raised by the Norton Fitzwarren Parish Council over the siting of this junction. They believe that its location is unsafe and an improved Station Road should be the main access. The proposed junction has been the subject of technical and safety audits and found to be acceptable. That at Station Road has very restricted visibility and even if the land were available to improve sight lines, the road alignment may make its use unacceptable to serve the full development.

The southern junction is acceptable in principle as a right-turning lane but detailed design and audit will take place during and after the preparation of the necessary Section 278 Agreements with the Highway Authority.

The Parish Council has also raised the question over the location of the pedestrian crossing shown on the drawing. That shown is not acceptable and discussions are taking place to find a suitable location. A pedestrian crossing is necessary to strengthen walking routes from the development to the rest of the village and, in particular, the primary school. It is concluded that a Puffin type of crossing is likely to be the most appropriate.

The new traffic signal junction onto Silk Mills Road proposed by the St Modwen site has been retested and found to be acceptable to take the additional traffic generated by the proposal.

Alignment and design of the additional portion of the Norton Fitzwarren Relief Road constructed by this development between the St Modwen site and Station Road is also acceptable.

I also have the following comments to make on sustainable transport measures. The site has been designed to afford maximum permeability to pedestrians and cyclists and optimise access to the external pedestrian and cycle networks - to this end the proposal is acceptable.

In terms of public transport, the general level of public transport in close proximity to the site is acceptable. It is the County Council's aim to try to achieve the maximum use of public transport and to this end and to be

consistent with the adjacent development, the Developer will be required to provide a voucher for one year's public transport travel to the value of £400 per dwelling/unit. This will be part of a Section 278 Agreement and will be administered by the County Council.

There will be a requirement for travel plans for both residential and employment uses on the site.

My colleague, Richard Needs, has already written to you regarding drainage issues in conjunction with the proposed development.

On highway and transport grounds, therefore, I do not propose to raise objection to the development subject to the applicant's entering into a Section 278 Agreement to secure the following:

1. The extension of the Norton Fitzwarren Relief Road from the boundary of the St Modwen site through to Station Road.
2. The provision of a right-turning lane junction on the new extended Norton Fitzwarren Relief Road into the site.
3. The provision of a junction to the site onto the B3227.
4. The provision of a light-controlled pedestrian crossing at a location to be agreed on the B3227.
5. A contribution of £400 per dwelling towards one Bus Pass per unit.
6. A travel plan for both residential and commercial elements of the site.
7. A contribution, subject to further negotiation, towards alteration and improvement of the Cross Keys and Silk Mills roundabouts.
8. The provision of a culvert under the B3227 to address flooding issues identified in the Flood Risk Assessment. (The provision of this culvert is covered by the recommended planning condition 40)

In addition, suitable estate road conditions should be attached to any consent which may be granted - these include CE1, CE2 and CA18 below, but might well include others.

CE1 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and

method of construction shall be submitted to the Local Planning Authority.

CE2 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

CA18 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 by the Local Planning Authority prior to the development hereby permitted first being brought into use.”

County Children and Young Peoples Directorate

“Financial contributions towards educational provision will be' required towards primary and secondary school facilities to meet the additional need arising from the development, in accordance with Policies T4, T5, T7 and C1 of the adopted Taunton Deane Local Plan.

I have attached a letter dated 2nd June 2005 sent by me to Strongvox, one of the consortium submitting the current application. This sets out the matters which should be included in any planning agreement relating to the development. The County Council has subsequently revised the method of calculating contributions and now bases these on the DfES Basic Need Cost Multiplier per pupil place, although it may currently be considered unreasonable to do so in this particular instance given the previous correspondence which refers to a different means of calculating these costs. Notwithstanding this, the BCIS General Building Cost Index has risen by 8.9% in the intervening period reflecting inflation in the construction industry and the contribution per dwelling would as a result increase to £2,238. If there is a further lengthy period before the application is determined, the County Council would also wish to review the basis on which the financial contribution were calculated in order to be consistent with practice elsewhere.”

The following is the text of the letter referred to:-

“The Section 106 agreement to which you refer, relating to the development of the Taunton Trading Estate, has not yet been finalised, but it would not in any event be appropriate to use this as a direct model for the Heads of Terms for an agreement relating to the former Cider Mill. Representations on the former were initially made in detail in February 2003 and negotiations have been on-going ever since. A significant amount of detailed consideration of educational requirements were referred to in the report to Committee and Member resolution, but the actual terms that are currently being finalised have themselves evolved since that time to reflect circumstances as they exist now.

The basis on which the County Council will seek contributions in relation to the development of the former Cider Mill are set out below.

From analysis of statistics, the LEA expects, on average and across all types of accommodation, that there will be a rise in demand of 30 additional secondary- aged places from 210 new dwellings and 30 primary-aged places from 150 new dwellings.

In the case of this development of 300 dwellings, this would equate to 60 primary school and 43 secondary school places.

Although varying according to particular site circumstances, the average cost over the past year of a classroom or teaching space for either a primary or secondary school, including external works and fees, has been some £150,000.

Primary Requirements

Class sizes at primary schools should not exceed 30 pupils. The proposed development of 300 units would therefore be likely to equate to about two new classrooms and an associated cost of £300,000.

The enlargement of the local primary school as a result of the scale of the proposed residential development at Norton Fitzwarren necessitates additional school playing pitch space to meet statutory DfES standards. An indicative cost of providing such a detached playing field in the vicinity, including drainage and levelling works, access and fencing, is currently likely to be some £55,000. A proportion of this is to be met from the Trading Estate development at a rate previously agreed of £50 per dwelling, although this was based on an assumption of a total Local Plan allocation of 1050 units, which has since reduced. Costs have of course also increased in the two year period since this was originally discussed and a figure of £55 per unit would therefore be more appropriate to take account of inflationary rises. Contributions from a development of 300 dwellings would total £16,500.

Secondary Requirements

In the DfES document "Assessing the Net Capacity of Schools", the principle applied for the assessment of the capacity of secondary schools is that it is based on "the number, size and type of teaching spaces and the age-range of the school". This produces a Net Capacity range within which the school and LEA agree a specific Net Capacity, taking account of the teaching strategies employed by the school, the different types of spaces and, importantly, the operating practicalities which means that all spaces are only partially used. The amount of usage depends on the type of space as specialist spaces will have a lower frequency of use because there is a need to have vacant rooms so that these rooms can be prepaid for lessons. The resulting average capacity of a teaching space across a secondary school is 22.

The proportionate cost of 43 additional secondary school places would therefore be commensurate to 2 teaching spaces and an associated cost of £300,000.

Summary of Costs

A summary of costs would therefore be as follows:-

Primary school classrooms:	£300,000
Primary school sports pitch:	£16,500
Secondary teaching spaces:	£300,000
Total	£616,500, or £2,055 per unit

For the purposes of comparison, it should be noted that an alternative approach adopted by many local authorities is to base negotiations for educational provision on the DfES Basic Needs Cost Multiplier, which is an estimate of costs per pupil of providing accommodation, furniture and equipment and external works, including fees. The current 2005/6 cost multipliers for Somerset are as follows:-

Per Primary pupil: £8,693

Per Secondary pupil: £13,650

On this basis, 300 new residential units would generate costs totalling £1,108,530, or £3,695 per unit.

The County Council has started to apply the Cost Multiplier basis for calculating contributions for development proposals where there have been few previous negotiations or discussions, but it is not currently intended to do so in the case of the former Cider Mill proposal.

General Terms

Any contributions will need to be BCIS Index linked from date of agreement, to account for inflationary increases in construction costs between the date of the agreement and actual date of payment.

Phasing will need to be agreed; but that which would probably be acceptable would be 50% of the total payment prior to occupation of the 150th unit; 50% prior to occupation of the 300th; and a further payment of £2,055 per unit should the total exceed 300.

The agreement will need to make provision for the potential for simultaneous schemes by separate developers and an obligation will be sought to aggregate the number of dwellings occupied for the purposes of timing of contributions and a duty to notify the County council at the appropriate time as to whom the invoice should be sent.

Contributions will be sought in respect of all dwellings, including the affordable element. It should not be assumed that households moving into the affordable dwellings will necessarily be local residents or that children will already be attending local schools. It would be acceptable, though, if the costs arising from the whole scheme including the affordable element were spread across

all open market dwellings only. Furthermore, the forecasts for additional pupils are based on long term averages from all new properties irrespective of size. The exclusion of one-bed flats from the calculation, for example, would result in a misleadingly low forecast figure.

There will need to be an opportunity to review impacts and associated costs if the agreement is not finalised within the next 6 months.”

Rights of Way Team (SCC)

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that cross the proposed area of development. I have enclosed a map plan showing the relevant footpaths, T 18/4 and T 18/5.

From the information provided I am unable to determine whether it is likely that the proposed development would affect a PROW in any way which is either prohibited or which would require authorisation, however the following issues must be addressed if they are likely to arise.

If the work involved in carrying out this proposed development would

- make a PROW less commodious for continued public use
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

If this development would result in any increased danger adjacent to a PROW then adequate signage and fencing should be provided.

If it is considered that the development would result in

- a PROW been made less commodious for continued public use
- a PROW'S route been changed/impeded upon
- or changes to the surface of a PROW being needed

then authorisation for these works must be sought from Somerset County Council Rights of Way Group prior to them been undertaken.”

Environment Agency

(Initial observations – objection has been resolved – see below)

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

The application site is within a "high risk' floodable area and as such significant flood mitigation works are required, both on and off-site. These works need to be articulated within an appropriate 'flood risk assessment' (FRA). Although the applicant has submitted an FRA, it is dated November 2001. This report is now out of date and is therefore not considered to be an appropriate assessment of flood risk. It is understood that a new FRA is currently being undertaken in respect of the above proposal by Hyder Consulting, which incorporates:-

- the proposed discharge from the off-site mitigation works (flood attenuation dam),
- the residual impact on third party land,
- the mitigation works required on the application site.

The Agency must advise that until the updated assessment is submitted to the Local Planning Authority (LPA) for consideration as part of the application, there is insufficient information available to enable the Agency to formally advise the LPA on flood risk and related issues.

In addition to the above flood risk related objection, the following concerns regarding ecological issues must be noted:

The Agency considers that there is inadequate information in the Ecological Section of the Environmental Statement (ES) with regard to the present use of the site by protected species. It should be noted that there is an artificial otter holt within the application site, that was commissioned by Taunton Cider.

The Agency has forwarded this information to the relevant consultants, however, the ES will need to be amended. Additionally, it is noted that there are no surveys of culverts or other underground voids that could be used by bats.

The Agency would also advise that there is insufficient detail in the masterplan to indicate what mitigation measures are necessary to compensate for the proposed work on the Halse Water.

There would appear to be a number of inconsistencies in the ES e.g. within the tree report in the Appendix, which states that trees will not be affected along the Halse Water within the centre of the development site as it "will remain largely unaffected by any development proposals".

The ES has identified a number of historic properties which form the established village pattern along the B3227. Some of these properties also have bat roosts. The conclusion that the demolition of these properties is 'minor adverse' would appear to be contrary to the criteria provided on page 51, which would indicate 'major adverse'.

The Agency would advise that there appears to be an insufficient area of land available for the proposed road to the south of the site, if there is to be a sufficient working distance from the Halse Water on one side and the railway track on the other.

The ES does not consider any effects of the proposal outside the proposed development e.g. effects on fisheries and other river based and riparian ecology, caused by the proposed dam and any channel works within or outside the development site.

With regard to groundwater protection and contaminated land issues, the following comments must be noted:

The proposed development site overlies a Minor Aquifer as defined by the Agency's 'Policy and Practice for the Protection of Groundwater'. Further, the soils in this vicinity are classified (HI) of High Vulnerability and Leaching Potential i.e. soils with little ability to attenuate diffuse source pollutants and in which non-adsorbed diffuse source pollutants and liquid discharges have the potential to move rapidly to underlying strata or to shallow groundwater. HI soils readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock, gravel or groundwater.

It is noted from the ES that potential sources of contamination have been identified. It is also noted that Appendix 9.5 states that a Ground Investigation Report has been produced for the site. The Agency concurs with the recommendations in that report for further work to be undertaken, including a Desk Study and further ground investigations. The Agency would welcome the opportunity to view the results of any such investigation.

The Agency recommends that developers follow the risk management framework provided in CLRI I, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from the Agency's website: - www.environment-agency.gov.uk.

The Agency also recommends that developers use BS 10175 2001, Investigation of potentially contaminated sites - Code of Practice as a guide to undertaking the desk study and site investigation scheme.

In the event of its objection to this proposal being subsequently overcome, the Agency must request that any approval is subject to the following conditions:

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that an adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

NOTE: The applicant is advised to confer with Wessex Water regarding the availability, location and adequacy of the existing public sewerage, pumping station and sewage treatment facilities. There must be no discharge from the proposed pumping station.

CONDITION: Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

CONDITION: During construction, vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, river water should be diverted away from the excavation site using coffer dams. Work should stop immediately if the coffer dams are breached or flooded.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, pumps used for pumping out water from excavations should be sited well away from any watercourse and surrounded by absorbent material to contain oil spillages and leaks.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, any discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

REASON: To prevent pollution of the water environment.

NOTE: The Environment Agency must be advised if a discharge to a watercourse is proposed, as the developer will require a formal consent to discharge.

CONDITION: During construction, the storage of fuels for machines and pumps should be sited well away from any watercourse. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

REASON: To prevent pollution of the water environment.

In addition, the following comments must be noted:

The Agency recommends that, because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water features. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas/compounds and the control and removal of spoil and wastes.

The Agency would advise that all works must be undertaken in accordance with Agency Pollution Prevention Guideline Number 5 (Works in Near or Liable to Affect Watercourses) and Pollution Prevention Guideline Number 6 (Working at Demolition and Construction Sites) copies of which are available on the Agency's website (see above).

Buildings when demolished can give rise to Hazardous Wastes. These are subject to additional control prior to disposal. The Agency would be pleased to advise the applicant regarding the regulations concerning Hazardous Waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and the licensable status of any

proposed offsite operations is clear. If in doubt, the Agency should be contacted for advice at an early stage to avoid any delays.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing maybe required. Under such circumstances, a written application, including details of the nature and quantity of material to be used, must be submitted the Agency, prior to works commencing.

The Agency must be notified immediately of any incident likely to cause pollution.”

Further observations from the Environment Agency dated 31st January, 2007.

“FLOOD RISK MANAGEMENT

Although this scheme has been considered on the basis of PPG 25: Development and Flood Risk, current guidance is articulated in PPS 25 this is therefore a material planning consideration.

Whilst the development has not been assessed under the ‘sequential test’ (Para 16) work has been done by the applicant’s agents that address the Key Planning Objectives set out in Paras 5 and 6 of PPS 25. Whilst the Environment Agency would consider that the objectives have been met the LPA will need to satisfy themselves that this is the case.

As the site’s merits were articulated in depth at the Public Inquiry and the site then allocated in the Local Plan, it may be argued that the site meets the Exception Test (Paras 18 –20). However, this is for the LPA to determine.

CONDITION: Development shall not commence until such time as the off-site attenuation facility (dam above Monty’s Lane) has been constructed and received it’s ‘Interim Certificate’ from the ‘Supervising Engineer’ (Reservoirs Act 1975).

REASON: To ensure no adverse flood risk arises to the development and third parties from the Halse Water.

CONDITION: Development shall not commence until such time as the detailed design and implementation of the on-site flood management works have been approved in writing by the Local Planning Authority.

REASON: To ensure no adverse flood risk arises to the development and third parties from the Halse Water.

CONDITION: Subject to satisfactory completion of Condition 2 (above), the following on-site works can be completed prior to the issuing of the 'Interim Certificate' (Condition 1 above):- (i) Channel reprofiling and operational maintenance access ramps to the Halse Water; (ii) Culverting of the Norton Brook; (iii) Site demolition works – provided no material stockpiles are left within the flood plain of the Halse Water.

REASON: To ensure no adverse flood risk arises to the development and third parties from the Halse Water.

CONDITION: Built development above existing ground levels shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority.

REASON: To ensure the integrity of the on-site flood risk management works and satisfactory integration of the surrounding built development.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage, which incorporates sustainable drainage techniques (SUDS), has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent an increased risk of flooding by ensuring a satisfactory means of surface water disposal.

CONDITION: No development approved by this permission shall be commenced until an operation and maintenance manual for the flood management works has been submitted to and agreed by the Local Planning Authority. The manual shall identify all maintenance access routes from the points on the public highway.

REASON: To ensure the future maintenance and operation of the flood management works is suitably addressed.

NOTE: The Local Planning Authority should identify the future operator of all the flood risk management works and ensure commuted sum payments are agreed where appropriate.

CONDITION: All culverted watercourses will require a 3.0 m wide undeveloped easement strip either side of the culvert to be clearly identified.

REASON: To ensure that the future maintenance of the culverted watercourses can be accommodated.

CONDITION: No development agreed by this permission shall be commenced until the detailed design for the proposed new 'flood wall' to the properties along Station Road has been submitted to and approved in writing by the

Local Planning Authority. The flood wall shall be completed to the satisfaction of the Local Planning Authority prior to any works that affects the integrity of the existing flood defence.

REASON: To ensure no adverse effects to the existing flood management works and the continual protection from flooding to these properties.

CONDITION: Minimum finished ground levels are to be set at Halse Water 100 year flood level plus climate change provision, plus 300 mm. Minimum finished floor levels shall be set at Halse Water 100 year flood levels plus climate change provision, plus 600mm. The above 100 year flood levels to be based on a Mannings 'n' roughness value of 0.05.

REASON: To ensure flood risk to the new development from the Halse Water is minimised in accordance with the aims of PPS 25.

CONDITION: Subject to discussions with Somerset County Council Highways Department, the identified overland flood route crossing the B3227 adjacent to Wassail View should be suitably sign-posted.

REASON: To identify a highway flood risk to motorists.

CONDITION: Flood risk Management works shall be in accordance with the aims and conclusions of the Flood Risk Assessment date January 2007 Ref: 1012-WX21821-NER-03, or other, as agreed with the Environment Agency.

REASON: To ensure a suitable flood risk management scheme is implemented for the development needs.

INFORMATIVE: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8.0 m of the top of the bank of the Halse Water and Norton Brook, designated a 'main river'.

In addition to the above conditions on Flood Risk the Agency advise that there will also be:

- (i) A tripartite Legal Agreement (EA/LPA/Development consortium) which covers the finance, construction, operation, maintenance and ownership of the off-site attenuation facility.
- (ii) Flood mitigation works to address residual flood risk arising from the Halse Water/Norton Brook, to existing 'at risk' development, subject to landowner acceptance.

ECOLOGY

As with the flood risk management issues it is important to recognise that the environmental corridor surrounding the Halse Water need to be the starting point for the development of this site. That is the appropriate flood risk

measures and environmental requirements must be safeguarded before there is detailed design layout for the built development. Some of the environmental issues surrounding bats and otters for instance will necessitate retention of existing habitat (e.g. trees). The ecological consultants need to examine, in conjunction with the engineering consultants whether some of the TPO trees, especially those that could house bats, can be retained within the latest channel design concept.

There has been and will continue to be changes to parts of the channel design at this point. The Environmental Statement must be brought up to date to reflect these changes. This must not be overlooked. We have already advised that there is a need for surveys of culverts and other underground voids that could be used by bats. We have also advised that there is an artificial otter holt within the application site, that was commissioned by Taunton Cider.

The ES has identified a number of historic properties that form the established village pattern along the B3227. Some of these properties also have bat roosts. The conclusion that the demolition of these properties is 'minor adverse' would appear to be contrary to the criteria provided on page 51, which would indicate 'major adverse'. This needs resolution.

CONDITION: No development shall commence until plans for an otter ledge beneath the road and railway at the downstream end of the site (eastern end) and, an otter tunnel under the same road bridge on the opposite bank have been agreed by the Local Planning Authority in conjunction with advice from Natural England (Wildlife Licensing/Species Protection).

REASON: To maintain otter movements and avoid dislocation of habitat links.

GROUNDWATER PROTECTION

The proposed development site overlies a Minor Aquifer as defined by the Agency's 'Policy and Practice for the Protection of Groundwater'. Further, the soils in this vicinity are classified (H1) of High Vulnerability and Leaching Potential i.e. soils with little ability to attenuate diffuse source pollutants and in which non-adsorbed diffuse source pollutants and liquid discharges have the potential to move rapidly to underlying strata or to shallow groundwater. H1 soils readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock, gravel or groundwater.

It is noted from the ES that potential sources of contamination have been identified. It is also noted that Appendix 9.5 states that a Ground Investigation Report has been produced for the site. The Agency concurs with the recommendations in that report for further work to be undertaken, including a Desk Study and further ground investigations. The Agency would welcome the opportunity to view the results of any such investigation. No further reports have been received on this topic to date.

The Agency recommends that developers follow the risk management

framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from the Agency's website: www.environment-agency.gov.uk.

The Agency also recommends that developers use BS 10175 2001, Investigation of potentially contaminated sites - Code of Practice as a guide to undertaking the desk study and site investigation scheme.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent.

ENVIRONMENTAL MANAGEMENT

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be

commenced until the Local Planning Authority is satisfied that an adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

NOTE: The applicant is advised to confer with Wessex Water regarding the availability, location and adequacy of the existing public sewerage, pumping station and sewage treatment facilities. There must be no discharge from the proposed pumping station.

CONDITION: Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

CONDITION: During construction, vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, river water should be diverted away from the excavation site using coffer dams. Work should stop immediately if the coffer dams are breached or flooded.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, pumps used for pumping out water from excavations should be sited well away from any watercourse and surrounded by absorbent material to contain oil spillages and leaks.

REASON: To prevent pollution of the water environment.

CONDITION: During construction, any discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

REASON: To prevent pollution of the water environment.

NOTE: The Environment Agency must be advised if a discharge to a watercourse is proposed, as the developer will require a formal consent to discharge.

CONDITION: During construction, the storage of fuels for machines and pumps should be sited well away from any watercourse. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when

contaminated) to control spillage and leakage.

REASON: To prevent pollution of the water environment.

In addition, the following comments must be noted:-

The Agency recommends that, because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water features. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas/compounds and the control and removal of spoil and wastes.

The Agency would advise that all works must be undertaken in accordance with Agency Pollution Prevention Guideline Number 5 (Works in Near or Liable to Affect Watercourses) and Pollution Prevention Guideline Number 6 (Working at Demolition and Construction Sites) copies of which are available on the Agency's website (see above).

Buildings when demolished can give rise to Hazardous Wastes. These are subject to additional control prior to disposal. The Agency would be pleased to advise the applicant regarding the regulations concerning Hazardous Waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and the licensable status of any proposed off site operations is clear. If in doubt, the Agency should be contacted for advice at an early stage to avoid any delays.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing may be required. Under such circumstances, a written application, including details of the nature and quantity of material to be used, must be submitted to the Agency, prior to works commencing.

The Agency must be notified immediately of any incident likely to cause pollution.”

Wessex Water

“Foul Sewerage

A public sewer crosses the site. There must not be any building within 3 m on either side. Alternatively, if appropriate, diversion may be feasible and should be discussed with Simon Lipscombe or Peter George.

There is sufficient spare capacity to serve this site. Connection may be made to any convenient point or points.

Surface Water Drainage

Surface water should discharge to the Norton Brook with the consent of Taunton Deane Borough Council/Environment Agency who may impose a maximum rate of discharge.

Possible Adoption of New Sewers

In line with Government Policy, the Applicant is advised to contact Developer Services to discuss the adoption of the on-site or off-site drainage systems, under a Section 104 Agreement. Wessex Water Developer Services Riverside Chilton Trinity TA6 3JS.

Sewage Treatment

The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Water Supply

Network modelling is required to determine the point of adequacy and possible need for any network reinforcements to ensure an adequate water supply. There would be a charge for this work.”

Somerset & Avon Constabulary

“I was unable to identify the type or height of the boundary protection to the village hall area. I would recommend that it should be of substantial construction, and to at least 1.8 metres in height.

The screen walls (SW) are shown throughout the development as 1.65 metres.

Where these walls form perimeter protection to a rear- garden of a property, or a parking court I would recommend that they should be to a minimum height of 1.8 metres .

There is a short length of screen wall shown at the side of properties 91-93. This does not appear to serve any purpose apart from offering some seclusion. I would recommend that it should be removed as it may create unwanted seclusion and a potential hiding place.

Where necessary the rear access paths to properties are shown to be gated, which is to be applauded. However in some case the gates are shown to be away from the fence line therefore creating an insecure, and secluded alleyway (e.g. plots 74, 341).

I would recommend that these gates should be moved outwards to the fencing/building line to incorporate the alleyway within the secure area.”

Chief Fire Officer

“Means of Escape

Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Network Rail

“I have no objections in principle to the proposed development I set out below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

1. FENCING

This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 metre high trespass resistant fence be erected parallel to but separate from the railway fence.

2. ROADS

The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated.

3. DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

4. SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and

adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. I notice that as part of this application alterations are proposed to the footbridge across the railway line, this will require the formal agreement of Network Rail to ensure that the railway is adequately safeguarded during the work and thereafter.

5. GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

6. SUPPORT

The developers should ensure that their proposals do not cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.

7. SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

8. ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

9. LIGHTING

Should the development included proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.

10. LANDSCAPING

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval."

Natural England

"Based on the information provided. Natural England has serious concerns about this development proposal as inadequate information has been provided with the application. It cannot be demonstrated in our opinion the impact this development will have on species especially protected by law, our concerns relate to Bats, Otters and Slow-worms that have been found on the

site. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System. We therefore recommend that the application is not determined before the applicant submits adequate information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated. Further surveys are needed on the whole site including culverts, chambers and underground chambers.

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably qualified and experienced persons holding any licences that may be required.”

Somerset Primary Care Trust

“Our understanding of the situation in Norton Fitzwarren is that approximately 920 homes are planned over the next 10-20 years with this application being one of the first, representing just over a third of the planned development. The former Taunton Deane Primary Care Trust completed a review of health service provision for the Norton Fitzwarren and Cotford St Luke area in 2005. Please see a copy of the review paper enclosed. This paper looked at the existing provision and the potential options for service development in the future. The option that was favoured in the paper was the establishment of a new practice, which could be tendered for by an existing provider or by a new provider.

The Primary Care Trust appreciates the developers' intention with regard to the inclusion of general practice space for health care provision. However, the size of the proposed health space within the development appears to be extremely limited in terms of the initial size proposed and the potential for future expansion that may be required. Other concerns that have been raised with regard to the proposed site including confidentiality in terms of sound proofing if residential accommodation is above the service provision area, access to the building as the pavement is narrow and fronts onto the car park and the timescales associated with these developments in terms of funding and opening the GP practice.

The required space for a primary care centre is governed by minimum space requirements for specific services and functions alongside population estimates. As a guide for the developer and the Borough Council a stand alone single-handed GP practice would anticipate a minimum of 231 square metres. A single-handed practice could be expected to cater for between 1600 and 1900 patients - with this housing development coming on stream and the existing population we would anticipate that it would be more sensible to estimate that a two GP practice will be required once the development is complete. The space for a two GP practice as a minimum would be 338 square metres in a single storey unit with appropriate car parking and the opportunity for future expansion.

Primary Care is at the forefront of the NHS and is where 90% of NHS patients receive their care. The national direction of travel as set by the "NHS Improvement Plan" is to work towards providing more services traditionally delivered in a secondary care setting in primary care, this links with the introduction of practice based commissioning which was announced as part of "Commissioning a Patient Led NHS" the current reform programme which is aiming to make services more locally commissioned, provided and accessible.

The Primary Care Trust would have concerns about service provision from the current provider for patients if the health service building is not provided in a reasonable timescale alongside the population expansion.

In summary:

- the current plans situate health care provision on the ground floor of a three storey building;
- the size of the proposed space is inadequate for the proposed population expansion and does not appear to have any potential for expansion for future needs;
- the site identified for health care will need to be at least 338 square metres plus appropriate car parking and room for expansion;
- the timescale of the development needs to be understood more clearly by the Primary Care Trust so that a provider for services to this population can be contracted and involved in the development of any premises provision.

Please note that a decision to commission additional service capacity for this area will need to be subject to countywide consideration and prioritisation against other development commitments or proposals, however as you will see from the former Taunton Deane Primary Care Trust paper there is support for developing additional services in this locality.

The Primary Care Trust wish to work closely with Taunton Deane Borough Council and developers with regard to this application (and future applications) to ensure that the local needs of the population are met. I am happy to be involved in any more detailed discussions with the developers or yourselves if that would be helpful."

Somerset Industrial Archaeological Society

"This may come as something of a surprise but from an industrial archaeological standpoint the cider factory is, in my opinion, of limited interest with regard to conservation/preservation. Basically the surviving structures reflect a 20th century, consumer-led response to an industry which had hitherto been organised on a more localised basis i.e. farms with cider barns and presses and cider houses for retail sales.

Nevertheless, there is a serious issue to be addressed in that the impact of the industry at Norton Fitzwarren on Taunton Deane's social and economic past was of major importance. Therefore it would seem appropriate that some

suitably significant structures should be retained and the site property recorded. My suggestion for the latter would be a professional photographic survey and an annotated map indicating the former uses of the buildings. These would be deposited as an archive cross-referenced to any existing material held by Matthew dark Brands Ltd. at Shepton Mallet.

I have been advised that the person with the most knowledge and experience who could assist in these tasks is Miles Roberts who lives locally (at Norton Fitzwarren) and is a former chairman of Taunton Cider Company.

SIAS would be willing to assist with recording although professional recording would clearly be better and would be an appropriate condition.”

Landscape Officer

“My main concerns are:-

- Major loss of Tree Preservation Ordered trees on site.
- Poor landscape assessment of the site.
- Limited landscape mitigation proposals and no landscape masterplan.
- The stream which is an important wildlife corridor and potential landscape feature is proposed as a strongly linear, engineering feature with poor landscape quality.
- The major road to the south is proposed within existing tree root zones and would not meet BS 5837 requirements.
- Does not meet the aspirations of the local plan in terms of landscape mitigations.
- The mix of roof materials will look poor from across the valley. I recommend 90% use of slate to match the historic roof material mix and reduce wider visual impacts.

Please note no temporary diversion has been submitted for the existing public rights of way.”

Nature Conservation & Reserves Officer

Site surveys in summer 2005 and 2006 have identified evidence of protected species including bats and otters, both EPS. I have therefore requested that Natural England is consulted. In addition, a survey for slow worms in August 2006 identified a population of slow worms on site.

Through this development the LPA must look to enhance opportunities for protected species and in applying PPS9 I recommend that more information is required before this application is determined.

Bats:

MWA's recommendation in EIA Appendix 11.5.7 advised that surveys of culverts, bridges should be done. I also understand that there may be

underground chambers on site. This work has not been submitted and I advise that we need further information.

A Defra licence will be needed to develop the site and it is likely that further survey work will be necessary. Natural England/Defra will need to be satisfied that bats will not be detrimentally affected by this development.

In MWA's June 2006 survey, bats, BLE or LHB, have been identified roosting in a historic roadside building (see MWA report - building 2 and implications for building 3) proposed for demolition. The development plan identifies these buildings to be demolished. If these buildings were retained as part of the development there would be greater continuity for the roost

JP Associates tree report, June 2006, 3.4.3, identifies an oak, T17, TD726, as approaching veteran status. This may have potential for bats to roost and important single trees and groups/lines should be retained

Otters:

There is strong evidence that otters use the brook through the site. The ES Part 111.9 identifies that more survey work needs to be done prior to development.

I understand that there is an otter holt on site and this should be investigated as early as possible to help establish the use of the site by otters

A construction method statement will be necessary to protect otters through the construction phases

Slow Worms:

Slow worms inhabit the site and suitable measures identified in MWA's report must be taken to ensure that slow worms are not killed through construction phases.

Suitable habitat must be identified/created for the slow worm population to survive on/off site.

Nesting Birds:

Timing of works will be a consideration

Further survey work must be a requirement, Appendix 11, 4.0 if no action takes place within twelve months of the latest survey results.

A management plan of the site, including monitoring, must be a requirement of any planning permission to ensure that species and their habitats are protected and maintained.”

Rights of Way Officer (TDBC)

“You will recall from Ian Clark’s comments that no provision appears to have been made to divert the public footpath T18/4. T18/5 may be affected, too.

From the plan I see that the developers wish to convert T18/4 to a cycle track. It will need to be diverted in the first instance – that will take a few months even if unopposed. Then to convert to a cycle track involves the standard procedure, though without notification to prescribed bodies. However there is the usual requirement to consult.

The County Council would arrange for conversion to cycle track, the Borough could arrange the diversion through Section 257 Town and Country Planning Act 1990.”

Planning Policy

“The application site forms part of a wider area allocated for development in the Taunton Deane Local Plan. Policies T4 – T7 of the Local Plan apply to the allocation, and set down the detailed requirements against which the proposal must be considered.

In general terms the proposal contains the mix of uses required by the Local Plan, including the provision of a road across the southern part of the site that has the potential to form part of a relief road for the village in the future. There is some difference between the Local Plan and the proposal in the balance of uses, with the proposal containing considerably more housing and smaller amounts of employment and village centre uses than proposed in the Local Plan. The reduction in the scale of the latter two uses is considered not to raise significant issues of principle, while the additional housing the site can deliver as a result is a considerable benefit that will help meet the housing requirements of the Borough.

The reduction in the size of the employment area raises an issue in relation to noise from the railway. The Local Plan proposes a strip of employment uses along the majority of the site’s frontage to the railway, which would have had the benefit of providing a noise buffer between the proposed housing to the north and the railway. In the absence of such a buffer along most of the frontage care will be required to ensure that the dwellings fronting the railway are not adversely affected by railway noise.

Policy T4 sets out a list of criteria which must be met in order to make the site’s development acceptable. The delivery of criterion (E) is a prerequisite to the site’s development, in view of its flood plain location, so completion of a comprehensive flood alleviation scheme must be required in advance. I understand that the costs of delivering the flood alleviation scheme have increased considerably, to the point where the development’s viability is now under threat. In such circumstances it is legitimate to consider the reduction or waiving of other criteria to enable the scheme to proceed, although care should be taken to ensure that this does not undermine the delivery of a successful, sustainable development.”

Economic Development Officer

No objection.

Drainage Officer

“No works shall commence on site above existing ground levels until the upstream attenuation dam has been constructed and received its Interim Certificate from the supervising engineer under the Regions Act 1975. The “drainage strategy” referred to in the current flood risk assessment should also have been approved at the resolution of existing flooding issues at Wassail View, Station Road, Prowses Meadow and the B3227.

With regard to the works to the Halse Water through the proposed development site, these will require an approval maintenance/management document. This should show that financial provision has been made to cover on-going maintenance costs as the future operator is identified.

The Authority actively promotes the installation of Sustainable Drainage Systems (SUDs) to reduce the impact of surface water run-off from new developments to achieve the following:-

- to control the quality of run-off;
- to improve the quality of run-off;
- to enhance the nature conservation, landscape area amenity value of the site and its surroundings.

Details, therefore, of proposed SUDs techniques should be forwarded for approval.”

Leisure & Development Manager

“If this is to be a sustainable, healthy and safe place to live, far greater provision must be made to facilitate community life. The level of provision of public open space and children’s play facilities on this site is inadequate and there must be a contribution towards the provision of public playing fields and towards community facilities at the village hall. These aspects of the proposed development will ensure that three of the Council’s priorities—Health, Crime and Environment will be delivered on this site.

OPEN SPACE

Open space is a vital part of any estate providing for activity and social interaction. Although Policy T7 requires the Halse Water course to be laid out as public open space, what has been shown is not adequate. It is a landscaped corridor with sloping sides and a straight drainage channel through the centre which I assume will flood from time to time. There is nothing on the plans nor in the documentation which explains how this engineered space will be made usable for recreation except the statement that it will be “landscaped to integrate planting across the site to visibly soften the scheme”. This suggests that there will be little usable space left for

informal ball games, picnics and the other recreational activities such space is used for. This is a necessary infrastructure which is landscaped for visual reasons and will not provide a good quality open space and should not be counted as such.

Policy T7 also requires open space to be provided within the development, and there is little evidence of this.

PLAY

Provision for children's play is now identified as a national issue; the ability for children to play freely allows them to learn social skills, to stay active and to learn. The lack of play facilities contributes to physical and mental ill-health in young people. Young people also need to have places to meet and socialise which are appropriate to their needs.

There has been little thought given to the needs of children and young people in the design of this development proposal. The needs of this group must be addressed adequately if there is to be a healthy, happy community of people living here.

The scale and type of play provision shown in this proposal are inadequate. As a minimum there should be a NEAP provided on this site. Without such provision there will be nowhere for young people to play, to meet, to exercise etc and older young people will use the children's play areas for these activities which is not acceptable.

The Council's Policy C4 requires 20 square metres of play area per family dwelling (interpreted as 2 bedrooms or more). It is not possible at this point to judge the number of houses that will be of this type, but for the maximum 373 dwellings, this equates to 7,460 square metres. The application shows 3 tiny play areas for pre-school children, giving just 4% of this amount and, whilst not all of the area for play has to be equipped formal play areas, there has to be provision for children to run about, play games etc. This point reinforces the unacceptability of the area around the drainage channel.

This Council does not accept "LAP" standard play areas, requiring "LEAP" standard play areas as a minimum. The National Playing Fields Association, whose definitions these are, defines a LAP as a small area for toddlers and pre school children close to houses principally to use their own toys. It is not usually equipped with swings etc in order to discourage use by older children. A LEAP is for primary school age children, is equipped with swings, slides etc and is at least 10-20 metres from adjacent houses. A NEAP is an area for older children and is an extended LEAP with additional, more challenging play equipment and an area for ballgames or wheeled sports.

PLAYING FIELDS

On a development of this size it is not possible to comply with Policy C4 by providing facilities for sports pitches on site. Playing fields have a large catchment and so it is acceptable in this instance for such provision to be made off-site and for in lieu to be paid.

COMMUNITY FACILITIES

Policy T7 requires a contribution to upgrading or expanding the village hall to meet the increased demands placed on it. This sum will be negotiable depending on an assessment of what is needed to serve the new residents' needs. The village hall has an important role in helping the new to integrate the new development into the village. "

Housing Officer

"The Housing Officer is pleased to support this housing development on the basis of 20% of total numbers as set in the local plan. The affordable housing units should be split on a 80/20% basis with 80% social rented and 20% shared ownership/low cost outright purchase. The 20% intermediate housing should be kept as nominations and low cost values in perpetuity."

Parish Council

"The Council have the following comments to make as their initial response resulting from a public meeting in Norton Fitzwarren attended by numerous parishioners:

(1) Transport

The Council are concerned that demolition will start before the access road from Silk Mills Road is completed, all construction traffic will therefore have to access the site through the village. Is it possible construction traffic could use Taunton Trading Estate to access the site?

The proposed new road from the site on to the B3227 is situated on a sharp bend and will be very dangerous. It would be far better to improve visibility exiting from Station Road by taking back and lowering the wall in front of the village hall thereby eliminating the need for the new road. This proposal is being included in the assessment by Somerset Highways following a meeting with Jeff Copp, Somerset Highways and the Parish Council.

The pedestrian crossing would be better situated further to the west where the road is straighter and visibility greatly improved, e.g. opposite the pharmacy.

(2) Flooding

It is essential that the Hyder Report is available before the Planning Application goes before the committee.

It is noted a bank is to be built along the stream in Prowses Meadow but during heavy rain water comes up through the manhole covers and floods the area, the bank will therefore exacerbate the problem.

Appendices 'A' and 'O' are missing and are referred to frequently from the Entran flood report. Could you please forward these to me as soon as possible?

There is no mention of the pump in Station Road owned by Taunton Deane Borough Council. Has this been included in the flood report?

(3) Design of buildings

The Council strongly object to the four storey buildings, which have never been mentioned in previous meetings with the developers. These apartments are positioned to the south of the village hall (an attractive and historic Victorian building). They will over power the village hall and are not at all in keeping with the village setting.

The 3 storey buildings are also not in keeping with the village setting and have resulted in many complaints. We were assured that 3-storey buildings would not overshadow existing properties but a 3 storey building is situated immediately behind Bay House. The security of the existing properties south of the main road is also being compromised by back entrances running along the rear of their properties.

Primary Care Trust

It is essential that the Primary Care Trust be consulted with regard to the proposed facilities for the Health Centre. Have plans of the Health Centre been sent to them? We are concerned that the proposed size of the new Health Centre will not be sufficient for the huge increase in the population of the village after Beauford Park Apartments, Matthew Clarke site and Taunton Trading Estate are completed.

As mentioned earlier the above concerns are the Council's initial response, further comments will be made after viewing the Hyder report and after consultation with the Primary Care Trust.” (Letter dated 30th October, 2006)

The following two further sets of observations have been received:-

“The Parish Council has the following comments to make following meetings held on the 7th and 13th December:

(1) The Council is concerned that residents from the southern part of the development will not be able to reach the village centre by car, particularly the elderly or disabled or access the doctors in an emergency. Could the road over the bridge in the centre of the development be designed in such a way as to be accessible by cars from the south without turning it into a 'rat-run'?

(2) The Council objects strongly to the 4 storey buildings on the site which are not at all in keeping with the village setting.

The three storey building immediately behind existing properties along the main road should be reduced to two storeys so as not to overshadow them.

(3) Regarding the design of the buildings, we note that green render has been included, we feel that the colour of the render should be restricted to cream, ivory, magnolia and some pink to fit in with the Village Design Statement. The colour of the bricks and tiles should also fit in with the village design statement.

(4) A culvert from the main road by the existing village shop runs across the development we would request that this is looked at to ensure it is an adequate size to alleviate the flooding which occurs on the main road.

(5) A pedestrian crossing is requested over the spine road to link footpath T18/4 between the railway crossing bridge and the continuation of the footpath going north.

(6) The Council would also like to repeat their concerns regarding the proposed new road exiting from the development on to the B3227, the proposed site of this road is on a sharp bend, is very dangerous and would have limited visibility on travelling west through the village. It would be far better to improve visibility at the Station Road exit by taking back and lowering the wall at the front of the village hall.

(7) The pedestrian crossing over the B3227 would be better situated further west i.e. opposite the pharmacy in Coopers Mill and proposed village centre.

(8) The Health Centre must adhere to the guidelines laid down by the Primary Care Trust, as its present design is far too small for the large influx of new residents into - the village from this development, Taunton Trading Estate and for residents of Cotford St. Luke.

(9) The Council request that the village centre and health suite must be built at an early stage.

The Council are very concerned about the delay in finalising the report from Hyder Consulting and the very real possibility that as a result the dam may not be built. It is essential that we receive a copy of this report by early January before our next meeting so as not to further delay matters.” (letter dated 15th December, 2006)

“The Parish Council has further concerns regarding the above planning application that were raised at their recent meeting.

(1) It is not realistic for this application to go before the Planning Committee on the 14th February as the flooding report has still not been finalised. The flooding report must be completed and made public well before the application goes to committee in order for the Council to inspect and report on it.

(2) The sensitivity report has not been completed.

(3) Consultation between the Primary Care Trust and the Developers is only just commencing, as the health facility, as currently designed is far too small for the estimated population increase and does not allow for any expansion.

In consideration of the above and previous correspondence regarding this planning application the Parish Council strongly request a public meeting at which Planning Control, Developers, and the Environment Agencies technical experts can be present to explain the proposed flooding alleviation works and how this will affect the village.

The Parish Council does wish to stress that they do support the development of the derelict former cider works but it is essential these objections are resolved.” (letter dated 12th January, 2007)

9.0 **REPRESENTATIONS**

28 letters of objection have been received raising the following issues:-

1. Query what provision has been made regarding the identification and containment of asbestos from building materials and pipe work lagging.
2. Environment Agency states that the supporting evidence on flooding and ecological issues is out of date and the development should not take place.
3. The land is geologically unsuitable for building development.
4. The incomplete road infrastructure for a by pass is unacceptable. Any by-pass should completely clear the village before it rejoins the B3227, and not stop short at Station Road. The existing village road is already over used and dangerous. Access to the site should not be through the village either during construction or subsequently.
5. The overall road structure is inadequate and will result in the area becoming a linear car park.
6. The proposed pedestrian crossing is sited at the most dangerous point and should be moved opposite the proposed retail unit. Given the projected increase in children who would have to cross the B3227 to attend schools, a footbridge would be more appropriate.
7. The provision for a medical centre is totally inadequate.
8. There is already adequate provision for licensed premises in the area.
9. The provision of multi-storey dwellings is unacceptable in a rural location, and detracts from the visual aspect of more prominent existing buildings such as the parish church and village hall.

10. Building societies and insurance companies will not give indemnity for houses built on known flood plains and therefore mortgages cannot be obtained.
11. The proposed development is ill planned, overcrowded and poorly designed.
12. Proposal should not be considered until the HYDER flooding study has been fully investigated.
13. Integrity of the existing flood prevention measures should be retained.
14. The redevelopment of the school, shops, healthcare services, etc. should be in the first phase of development.
15. Adequate parking and facilities must be laid on for site workers and delivery trucks to prevent the overload of site parking spilling into the village.
16. There will be a bottle-neck for floodwater when it leaves the site.
17. Where buildings are to be erected near existing dwellings, the storey height should be limited to those that currently exist.
18. The village plan does not include 3 or 4 storey buildings, which would make it look like Obridge – not very village like. Ground levels will be increased by 1.2 m anyway.
19. None of the properties should be accessed from Station Road in order to maintain flood defences within the existing Station Road area.
20. The proposed new entrance/exit would be at a blind corner of the village. This would be inappropriate and dangerous. Will be another problem area similar to that of parking elsewhere on the main street in the village. Parked cars reversing out onto the B3227 would be inappropriate.
21. There is no reason to change the top of Station Road to one way, by widening the road and modifying of the village club boundary wall, this would alleviate the current problems on existing.
22. Proposed pub is located too near to an existing adequate pub.
23. Proposed village centre should be filled with beneficial amenities, i.e. post office, greengrocers, bakers etc.
24. Proposed industrial buildings should be kept to very light commercial/offices and no 24 hour courier, garage or other noise related businesses.

25. Station Road is a very long road to have no turning point.
26. Should be a sound reducing mound or similar to be installed between the proposed bypass and the existing residential properties on Station Road.
27. Trees to the east of the existing Station Road properties should be retained.
28. Most of the trees within the development site will be removed. The area will become a concrete jungle.
29. Birds that use these old trees will disappear.
30. Affordable housing will only be above the village shops.
31. The back wall of the three storey block of shops and flats will be completely out of place with the older village houses on the main road.
32. The new bridge has to be able to take lorries, fire engines, buses etc. which will service these two areas.
33. The 4 storey building behind the village hall will completely detract from this building, which is a focal point of the village.
34. Flooding will become a nightmare for Station Road, Kingdom Lane/ Prowses Meadow and the main road.
35. Raising the ground levels will make the village flood even more.
36. The dam will not stop Norton Fitzwarren from flooding.
37. The site is in the heart of a village, not a town or city.
38. Would be delighted to see the eye-sore of the old cider factory site developed, but have concerns.
39. The proposal is totally inappropriate to a village it is more in keeping with that of a large town.
40. Overlooking and overshadowing of property from 3 storey houses, resulting in loss of privacy and value of property.
41. New storm water pipes and drains are required along various parts of the main road.
42. Query why the bridge over the stream will be for emergency use only.
43. The thought of a pub with no skittle alley in this area does not bear thinking about.

44. Wildlife – otters, bats and slow worms, should have high priority.
45. If issues are addressed in a sensible manner, the development will be a most welcome addition to village life.
46. No new development should be sanctioned on the flood plain.
47. What Norton Fitzwarren needs is more use of local premises for commerce and industry to bring employment, not residential development the village cannot support.
48. Waste land where the church hall was should be made into a car park for residents and customers of the village shop to stop parking on the roads and accidents on the shop corner.
49. Fights and abuse from the pub, together with noise and public vandalism.
50. Traffic from industrial units.
51. Floodwater drains off adjacent properties and onto the site – if ground is raised query where this water will go.
52. Security concerns due to footpath behind property – young people will gather there.
53. Walnut tree should be removed.
54. Question who will be responsible if damage to property.
55. Increased number of large lorries travelling though village will cause chaos.
56. Should look into how much of the on-site materials will be re-useable.
57. Inadequate car parking provision.
58. Query whether camps will be set up to accommodate the workers.
59. It is obvious that the developers are trying to get government finance and therefore more profit.
60. If any three storey, they must be dormer windows in the roof.
61. Norton Fitzwarren already has two pubic houses that are more than capable of coping with the extra needs this development would bring. Building could be put to much better use, i.e. more shops, library or for car parking.

62. Main road through the village should be closed when demolition takes place.
63. Not enough time to look through all the plans.
64. Something needs to be done, but a lot of things have been overlooked.
65. Loss of privacy and light from three storey properties.
66. Should be more tiled roofing in keeping with village roofs along the main road.
67. Dam must be seen to be working before any bricks and mortar are put in place.
68. All contractors parking should be on site only.
69. Traffic lights and a one-way system needs to be incorporated into the plans.
79. Consideration should be given to existing villagers' safety.
80. Trees adjacent to property should be cut down.
81. Lighting should be unobtrusive but affective.
82. Plans inaccurate.
83. Tree screening should be planted before work commences.

Letter of Objection from Ward Member

1. The application, whilst containing extensive supporting documentation, appears rushed, incomplete and ill-conceived.
2. The consultant's Flood Risk Assessment is of pivotal significance and it is extremely disconcerting that it has been so long in coming. To proceed with putting the application before the Planning Committee on 14th February, would go against Policy T4(G) of the Taunton Deane Local Plan and the Local Plan Inspector's recommendation that no development should proceed on the cider factory site until appropriate flood mitigation works are agreed. It would also be a great disservice to the community.
3. Inappropriate at this juncture for the Flood Risk Assessment (FRA) to repeatedly refer to development at Ford Farm, which the Local Plan Inspector recommended be deleted from the Plan. For the purposes of this planning application, it does not exist.
4. Disagree with various statements in the FRA:-

- (a) Norton Brook and the River Tone are not of secondary importance. Flooding from the River Tone will give a back-up effect when it meets the water from the village coming through the railway culvert.
 - (b) Surface water flooding at the east side of the village cannot be ignored as it drains into the application site. The effect of any mitigation works within the development site on the flooding of the B3227 must therefore be adequately assessed.
 - (c) Does not address the effect the proposed bund around houses in Prowses Meadow will have on surface water flowing down the culvert in Kingdom Lane from the B3227. This is a substantial flow of water that in full flood conditions burst out of an inspection cover in the middle of the turning circle in Prowses Meadow. This culvert presumably continues through to Halse Water and so will in effect act as a breach of any bund, rendering it useless. It will therefore significantly increase the propensity for these properties to flood.
 - (d) Incorrect that there have been no reports of groundwater flooding in Norton Fitzwarren.
 - (e) Ground levels for the cider factory site must be attained independently, not assuming that mitigation measures related to possible development at Ford Farm will ever go ahead.
 - (f) Lack of any serious consideration of the flooding of the B3227.
5. Must have assurance that the concerns expressed by the Environment Agency have been properly addressed.
 6. Unclear how works to the culvert under the main line railway are to be carried out due to ownership dispute.
 7. Question whether the terminal pumping station has sufficient capacity to accept the extra flows. Must not get into the catastrophic situation whereby the pumping station cannot cope with the sewage from the village.
 8. Question whether there is sufficient spare capacity in the water supply distribution system.
 9. The proposed new access to the site from the B3227 is at a dangerous location. If it is to be built there, it should be provided with traffic lights to offer a degree of safety to road users.

10. Station Road should remain two way or should be made a pedestrianised space which would create an excellent community space with the village hall and the shops.
11. A more appropriate place for the new pedestrian crossing on the B3227 would be by the pharmacy.
12. To minimise the effect on existing residents and in particular the safety of the B3227, the Relief Road must be built within the first three months of works commencing to a standard that will enable construction traffic to use it. This will need to be done in conjunction with the developers of the Taunton Trading Estate to enable access out onto Silk Mills Lane.
13. Relief Road should be realigned to bring it to a point just south of the village hall, leaving just a short section to be made up across Ford Farm to rejoin the B3227 at some date in the future.
14. The proposed new bridge over Halse Water being for emergency vehicles only does not give appropriate accessibility of the development by public transport and does not enable the majority of the residential traffic to take the relief road as required by the local plan. Also older and less agile people may wish to access the new village centre from the southern and eastern parts of the development by car. All restrictions on the bridge, other than a sensible weight restriction should be lifted. Use as an alternative commuting route to the B3227 can be overcome by a width restriction.
15. No provision is given for a bus route through the development, with appropriate stopping facilities and shelters.
16. No provision has been made for traffic calming on Blackdown View by the school, as required by Policy T4(K) of the local plan.
17. The developers have paid little regard to the Norton Fitzwarren Village Design Statement or Parish Plan, which accurately reflects the aspirations of the residents of the village.
18. Concern at three and four storey buildings. The ones behind the village hall would not be in sympathy with the village hall, would diminish its importance and detract from its aesthetic value. The 4 storey blocks at the southern end of the site will be closer to 5 storey with the ground levels being raised. Four storey buildings within an established village environment that has a history going back over 1,000 years is wholly unacceptable. All four storey buildings should therefore be deleted.
19. Should be careful choice of brick colouring, particularly when adjacent to existing houses.

20. There is a strong and predominant use of full and half hip roofs within existing dwellings and this should be reflected in the new houses.
21. The predominant use of tiles in the village should be reflected in the new houses.
22. The design of the village centre is relatively good.
23. The doctor's surgery is not big enough. The Primary Care Trust has expressed serious concerns.
24. If possible, there should be a planning covenant attached to the new shop to the effect that should the existing shop close, the store operators of the new shop must take over the Post Office franchise.
25. If another pub is really deemed appropriate, it should be located towards the south-east of the development.
26. The requirements for education provision should be met.
27. Relating to the size of this application and its widespread ramifications, urge that Taunton Deane Borough Council Planning Services adopt a leading and pro-active role in terms of ensuring that proper consultation takes place with Norton's residents on this application and that of Taunton Trading Estate.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? POLICY
- B. Is the access to the site suitable? HIGHWAYS AND ACCESS
- C. Does the proposal provide for an adequate amount of affordable housing? AFFORDABLE HOUSING
- D. Is the proposal development likely to be affected by flooding? FLOOD RISK
- E. Is the proposal development viable? VIABILITY
- F. Will the landscape impact of the proposal be acceptable? LANDSCAPE IMPACT
- G. Does the proposal provide for an adequate amount of recreation provision? RECREATION
- H. Are appropriate wildlife mitigation measures in place? WILDLIFE
- I. Are the proposed designs appropriate? DESIGN

- J. Is the proposed health centre of adequate size? HEALTH CENTRE
- K. Will the proposed development be adversely affected by noise and vibration? NOISE AND VIBRATION
- L. Is appropriate regard had to contaminated land on the site? CONTAMINATED LAND
- M. Is the proposed development unsuitable? SUSTAINABILITY
- N. OTHER ISSUES

A. Policy

The site is within the settlement limits of Norton Fitzwarren as contained in the Taunton Deane Local Plan. The whole of the site comprises previously used employment land. The principle of development of the site is in line with national planning policy guidance in that it provides for the redevelopment of brownfield land. In particular, PPS1 sets out the principles of national planning policies and focuses development in a sustainable pattern. PPS3 promotes the development of housing in sustainable locations and the creation of sustainable residential environments. It prioritises the location of housing developments on previously developed land and development within or adjacent to existing urban areas. PPG13 promotes development plan policies that encourage a reduction in the number and length of journeys by private car and encourages use of public transport and alternative means of travel. It also promotes the integration of land use and transport planning to encourage sustainable development. PPS25 provides guidance on the role of planning in relation to flood risk areas.

Regional Planning Guidance for the South West (RPG10) covers the period to 2011 and sets the context for the Somerset and Exmoor National Park Joint Structure Plan. Whilst the provisions of RPG10 are, by definition, intended to apply at a regional level, there is provision specifically for Taunton as part of the Central Sub-Region in the South West Region. Although the policies in the Guidance do not directly refer to any specific proposals for the application site, it does provide a general policy context for the application as well as other strategic and local planning documents. The current application endorses the policies in setting housing alongside employment and community uses in a mixed use development which also potentially resolves the need to travel.

The County Structure Plan sets out requirements in Taunton Deane for housing and employment development. The Norton Fitzwarren allocation in the Taunton Deane Local Plan, which includes the current application site, seeks to provide a significant proportion of these requirements. Many of the policies in the Structure Plan also support and encourage sustainable mixed use developments on brownfield or previously developed land and the current proposals for the site are entirely compatible with these policies.

The Local Plan framework is provided by the Taunton Deane Local Plan. There are a number of policies in the Plan which are both of general and specific relevance to the current application. A list of the relevant policies is set out in Section 6 of this report and the policies specifically relating to Norton Fitzwarren and this site, together with the supporting text are appended to this report. In addition to Policies T4 – T7 which provide the actual allocations, there are other key policies which deal with affordable housing, landscape and nature conservation issues. All of these have been taken into account with the submitted application, although points of difference are covered in Section E below.

It is considered that the proposals are generally compatible with the provision of planning policy at a National, Regional and Local level. The main thrust of current planning policy is to achieve well designed, sustainable development, which makes the most efficient use of land. The current proposal is on a brownfield site, ripe for redevelopment within Norton Fitzwarren and fits the criteria for development being promoted by both Central and Local Government.

The proposal will bring benefit to Norton Fitzwarren and its residents in the form of new housing and employment and community provision, together with flood alleviation works to significantly reduce flooding problems in the area. The proposal will make a significant contribution to the residential land supply in Taunton Deane, supporting the approach taken in the Taunton Deane Local Plan

B. Highways and Access

A Transport Assessment (TA) was submitted with the planning application. The scope of the TA was agreed with the County Highway Authority and its officers were involved throughout the development of the TA. Full details associated with the methodology used were set out within the TA. Based on the data and analysis presented in the TA, the following conclusions were drawn:-

- (i) The design of the transport provisions within the site accords with the Taunton Deane Local Plan and Somerset County Council's Local Transport Plan as well as prevailing standards and guidelines;
- (ii) The site has been designed to be permeable and to provide safe and efficient access for pedestrians and cyclists, therefore promoting and supporting travel by sustainable modes;
- (iii) Vehicular access is adequate but not excessive and does not permit through movement;
- (iv) Immediately adjacent junctions have been assessed and found, in a worst-case, to have a minor adverse impact associated with the development site generated traffic:

- (v) Despite this, it is noted that in 2018 the base highway network is over capacity as a result of the Taunton Northern Outer Relief Road, not from the proposed development;
- (vi) The location, prevailing adjacent transport provisions and site design proposals ensure that this site maximises the opportunity for occupants and users alike to travel by sustainable modes of transport.

Based on the above, the TA concludes that the impact of the development proposals on the surrounding transportation network is considered to be neutral and sustainable.

The scheme provides for in excess of 150% parking as an average throughout the site, using a combination of garages and allocated parking. The 'village centre' provides a total of 52 parking spaces, with the commercial/employment element offering 33 parking spaces.

The internal street layout has been designed to create a simple form that will encourage low traffic speeds. The internal roads will have natural speed limits of approximately 20 mph with buildings, landscaping and traffic calming measures ensuring low speeds. The slowing of traffic is emphasised by integrating spaces where 'home zone' principles of shared surfacing and increased pedestrian priority will have a reduction in vehicle speed. These adaptable areas are hard landscaped up to dwelling frontages.

The County Highway Authority raises no in principle objection to the proposal, subject to securing various highway requirements which they would seek through a Section 278 Agreement under the Highways Act. Because of the cost of providing the dam and other flood alleviation works, I do not consider that all of these requirements can be secured through this planning proposal. A number of the items are, however, secured through conditions, including the culvert under the B3227. Local Plan Policy T4 does not specify contributions towards the Cross Keys and Silk Mills roundabouts as now sought by the County Highway Authority.

C. Affordable Housing

The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The need for affordable housing is a planning consideration and Central Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role.

Policy H9 of the Taunton Deane Local Plan sets out the requirement for affordable housing within general market housing sites. Policy H10 sets out

indicative targets to be sought for affordable housing, as a percentage of the dwellings on such allocated site. The indicative target for the Norton Fitzwarren site set out in Policy T5 is 20%. Policy T4 confirms the necessity for affordable housing provision to be made in accordance with Policies H9 and H10. Policy H9 does state that in assessing the level of provision on particular sites, regard will be paid to the need to balance other important planning requirements and have regard to abnormal costs associated with the development of a site which may threaten its financial viability. This is examined further in Section E below.

As a consequence of the viability appraisal carried out by the applicants, the proposal provides for 24 affordable apartments through a Registered Social Landlord, located over the village/local centre.

D. Flood Risk

As the application site lies within the 100 year floodplain, Policy T4 of the Taunton Deane Local Plan requires the delivery of a comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection. Having regard to the advice in PPG 25 and the current PPS 25 which supercedes it, a comprehensive flood protection scheme is proposed in conjunction with the proposed development. The background to the scheme is contained in a Flood Risk Assessment submitted as part of the current proposal.

The approved flood alleviation scheme involves the construction of an earth dam on the Halse Water to the north-west of Norton Fitzwarren. The dam will serve the dual purpose of enabling development of the application site and also affording some flood alleviation to existing properties in the village.

Initially, it had been assumed that the dam would be procured by the Borough Council with the costs being redeemed from the developers of the cider factory site. Subsequent to the grant of planning permission for the dam, the current application site was acquired by the applicants and agreement in principle was reached whereby the dam would be provided by the applicant.

An agreement is being drawn up between the applicants, the Environment Agency and the Borough Council (in its role as Land Drainage Authority), whereby the applicants will fund and provide the dam, together with various works downstream of the dam. At the time of compiling this Report, the Executive was due to meet to consider a recommendation that the Council enter into the Agreement. The Council is to be a party to the Agreement because the Halse Water is not a 'main' river at the present time and therefore falls under the Council's responsibilities as the Land Drainage Authority. The Environment Agency will adopt the dam after a monitoring period of about 3 years. The Halse Water, including the section through the application site, will then be upgraded to main river and come under the Environment Agency's control.

The terms of the Agreement are as follows:-

- (i) The applicants commission and build the dam and pay for all the design and construction costs;
- (ii) The applicants pay a commuted sum (up to a maximum of £1m) to the Environment Agency for the maintenance of the dam;
- (iii) The Environment Agency adopts the dam at the end of a 3 year monitoring period and upgrades the Halse Water to a 'main river', which then falls under their control;
- (iv) The Environment Agency maintains and operates the dam on behalf of the applicants over the 3 year monitoring period;
- (v) The Borough Council has the power to intervene under its Land Drainage Act responsibilities to make safe the unfinished dam in the unlikely event of the applicants or the contractor not finishing the works;
- (vi) A bond or other financial mechanism is secured to indemnify the Council against any risk or cost;
- (vii) The Environment Agency agrees to implement the 'residual works' for the protection of existing properties at risk from the 1 in 100 year event (+ 20% allowance for climate change), funded by the applicants. The Environment Agency accepts responsibility for future maintenance.

The applicants are also to reimburse the Council for the costs of the initial design work on the dam. This will be covered by the recommended Unilateral Undertaking.

The Environment Agency will only agree to adopt the dam if additional flood protection works downstream are funded by the applicants. The dam on its own will reduce flood flows in the Halse Water by about half. It will protect 68 of the 93 existing properties in Norton Fitzwarren that are currently at risk of flooding from the 1 in 100 year event plus 20% allowance for the effects of climate change. The remaining properties will benefit from less frequent and less severe flooding. Additional works will be carried out as part of the current development which will protect a further 15 properties. This leaves 10 remaining properties at Wassail View that will need some further works to protect them from flooding (referred to as 'the residual works'). The Environment Agency requires that protection from flooding to the 1 in 100 year event (+ 20%) be afforded to all of these properties (93 in total) as part of the comprehensive flood alleviation scheme.

Flood protection works to be provided on the application site include:-

- (i) provision of a replacement channel for the Halse Water through the site;

- (ii) construction of a new culvert to replace an existing culvert and open channel reaches of the Norton Brook;
- (ii) removal of sediment and restriction from the Halse Water beneath and a short distance downstream of the main line railway bridge; and
- (iv) ground raising of up to 1.12 m of the application site.

The provision of the dam and other downstream works by the applicants will facilitate the redevelopment of the application site and provide flood protection for 93 existing properties. The dam may also contribute to a wider strategy to reduce flooding in the Taunton area, which is likely to involve the building of other similar flood control structures as part of Project Taunton. A new culvert is to be provided under the B3227, which will remove flooding from that road in the Ford Farm/Wassail View area. These works are secured through the recommended conditions.

Although the Environment Agency initially objected to the application, following a number of meetings with the applicants and their agents and consultants to resolve flood risk management issues and the submission of the Flood Risk Assessment, the Agency now considers that the objectives set out in PPS 25 have been met.

I consider that the current scheme, including the provision of the dam and other flood alleviation works will result in the redevelopment of a derelict brown field site within the village and bring flood relief to a large number of existing properties in the village. This is very much to the benefit of the community.

E. Viability

The Borough Council originally commissioned consultants to design the upstream and dam and planning permission was secured on the Council's behalf in February 2003. Initially it had been assumed that the dam should be procured by the Borough Council, with the costs being redeemed from the developers of the application site.

Subsequent to the grant of planning permission for the dam, the current application site was acquired by the applicants. Following discussions, it was agreed in principle for the dam to be procured directly by the current applicants to the satisfaction of the Environment Agency and the Borough Council in its role as Land Drainage Authority. Under this approach, all costs would be borne by the current applicants. The applicants then commissioned the same consultants to produce the more detailed design specification for the dam, with scrutiny and control through an independent 'Panel Engineer' (selected from a Government approved panel). This further work identified the need for some relatively minor amendments to the configuration of the dam, which resulted in the submission of a revised planning application, which was granted permission in February, 2006.

Since the preliminary estimates were prepared on behalf of the Council, the costs of designing and constructing the dam have more than doubled. Much of the increase derives from the need to amend the design in response to good practice. None of these costs will be borne directly by the Council. However, there is an indirect cost in that the amount available for Section 106 contributions (affordable housing, education, recreation facilities etc.) from the current proposed development is substantially less than it would otherwise have been.

The County Highway Authority is concerned that the provision of the dam will increase the duration of surface water flooding at one particular point on the B3227. The dam will reduce the depth of the flood water on the road, but due to the controlled release of impounded water, the duration of standing water to a depth of greater than 300 mm (assumed impassable) could be somewhat longer. The Highway Authority is requesting that a culvert be provided under the road to remove the problem. It is considered that this request is reasonable – flooding on the road needs to be addressed in the interests of road safety and the local community. Although it had been the intention for this to be carried out as part of any future development at Ford Farm, there cannot be any certainty that this site will be developed. A condition is therefore proposed requiring the provision of the culvert prior to the commencement of development.

The Environment Agency will not adopt the dam unless the residual downstream works are carried out. These works benefit existing properties liable to flood, rather than the development site itself. The applicants are willing to pay for the downstream works (including the works on the B3227) but consider that the need does not arise from their development and the cost must come off the Section 106 contributions.

The applicants have submitted a financial appraisal which addresses the impact of the increased costs related to the flood alleviation works.

The Council's Asset Holdings Manager has assessed the submitted financial appraisal, which he considers to be generally fair and reasonable.

The main consequence is a reduction in the number of affordable housing units financed by the scheme – with 24 units proposed, compared to a target figure of 74. I consider that this should not be reduced further and that the additional 'Section 106 savings' required by the provision of the culvert under the B3227 should be made by there being no contribution towards education provision and bus subsidy. If the culvert costs less than anticipated (approximately £500k), the balance would be paid to the Council for community benefit in the locality. Under this approach, the scheme remains viable.

It is considered that the benefits which will accrue from the development, in the form of the upstream dam and associated flood alleviation works with its considerable benefit to the local community, should outweigh the reduction in number of affordable housing units and other community provision. If the

current scheme does not go ahead, the flood alleviation scheme will not take place and no benefit will be derived to the local community. Contributions towards education and a bus service are being made from the adjoining Taunton Trading Estate development.

F. Landscaping

A Landscape and Visual Impact Appraisal was included as part of the Environment Statement.

This identifies and describes the impacts of the proposed development on the existing landscape character and visual amenity receptors within the study area.

Due to the location and current use of the site, the overall visual impact is considered by the Appraisal to be minor adverse.

The site has limited existing landscaping. Arboricultural surveys undertaken as part of the Environmental Impact Assessment indicate that the vast majority of the site's existing tree cover is classed as Category C growth, defined as trees that do not have sufficient arboricultural merit to constrain development proposals. Some of the trees are currently protected by Tree Preservation Orders. Where possible, existing trees on the site have been retained and some additional boundary landscaping will be provided. However, there will be a large reduction in the number of mature trees on the site. Buffer landscaping to the western and southern boundaries will help to frame the built form as well as soften the impact of the development from the adjacent open countryside.

The most significant view is on the B3227 where existing derelict buildings are being removed and new buildings are proposed. Views of the development from Station Road will be open, but they replace current views of derelict industrial and office buildings. The Appraisal considers that the removal of large warehouse buildings and the use of construction materials appropriate to the local landscape will reduce the impact of the development proposals.

The Halse Water corridor is being realigned as part of the flood prevention scheme. It plays a significant part in the character of the site itself, but is not significant to the local area. The landscape mitigation scheme will mitigate for tree loss and will include the re-profiled stream corridor. Although the Landscape Officer has concerns with regard to the extent of tree loss and limited opportunities for incorporation of new landscaping into the scheme, against the background of the visibility of the scheme, I consider that the proposal is acceptable in this regard.

G. Recreation

The proposed development provides a central area of public open space along the brook flowing through the site. The scheme also provides three areas for outdoor play at various points throughout the development. These

local areas for play are positioned away from the main vehicular routes, to provide a safer environment for children.

Whilst the Leisure Development Manager's concerns that inadequate recreation provision has been made, I consider that against the background of the financial viability of the scheme with the costs of providing the flood alleviation scheme, the scheme currently before the Committee is appropriate.

H. Wildlife

Ecological assessments have been carried out on the site for protected species and habitats. Dormice and great crested newts were discounted as it was determined that there is insufficient suitable habitat on the site. No signs of badgers or water voles were identified from the surveys. The reptile survey identified the presence of slow worms. Signs of otter were also found along the brook running through the site. Some of the buildings on the site were identified to contain signs of bats.

As part of the proposed development, the section of the Norton Fitzwarren Relief Road will cross the Halse Water immediately upstream of the railway culvert. In order to mitigate against the potential effects associated with the road acting as a barrier to otter movements, steel ledges or built-in otter passes are to be incorporated along the sides of the new road culvert. These ledges will be constructed above the high water mark, and an extent of otter proof fencing along the northern side of the road and the southern side of the railway would present road casualties and encourage otters to use the ledges.

Incorporating a new bat roost into the roof space of the new village centre and enhancing the northern boundary tree line to provide a community corridor to the new roost will mitigate loss of roosting sites.

Reptiles would be collected and translocated to an agreed receptor site prior to the commencement of any site clearance, demolition or construction activities.

An Environmental Management Plan will be produced to ensure that there is full implementation of environmental mitigation measures and that best practice is used to minimise the effects on wildlife during the construction phase. Appropriate conditions will secure these.

I. Design

A Design Statement was submitted with the planning application. The built form is designed to reflect the rural character of Norton Fitzwarren, by building to the back of the footpath, the built form will provide a good sense of enclosure, whilst strategically positioned buildings aid by terminating views. Where the built form aids in terminating views, key buildings are used to create more interest within the streetscape. This will be achieved by

integrating an element of taller buildings at key locations. The built form has not only been designed to mimic the local vernacular, but also orientated to give maximum natural surveillance over courtyards, public open space and pedestrian links. The proposed form of the development has been designed to enclose the street, through the extensive use of a perimeter block design. The scheme will use a mixture of brick, render and some limited use of reconstituted stone. All roofs will be of reconstituted slate and concrete double roman tiles. I consider that the proposed designs are appropriate in this location.

J. Health Centre

Policy T7 of the Taunton Deane Local Plan requires the provision of a local centre as part of the proposed development, including local shopping and other commercial and community uses.

In 2005, the former Taunton Deane Primary Care Trust commissioned a Review of the provision of providing medical services to the communities of Cotford St Luke and Norton Fitzwarren. Norton Fitzwarren has been served by a branch surgery since 1993.

The Review concluded that it was highly unlikely that the development of primary care premises at both Cotford St Luke and Norton Fitzwarren would be financial viable and therefore a single site solution was the most likely.

The Somerset Primary Care Trust (successor body to the Taunton Deane PCT) raised concerns with regard to the initially submitted plans, primarily with regard to the size of the proposed facility and the potential for future expansion. The applicants have addressed this issue by increasing the size of the proposed health centre to a size that the PCT consider would be required. No provision for expansion is proposed, although it is considered that this could be addressed in the future if the land at Ford Farm is developed.

K. Noise and Vibration

The effects of noise and vibration were assessed as part of the Environmental Assessment. The Assessment found that the noise impact at the nearest residential properties during construction activities will be at most 'substantial to moderately adverse' during certain phases of the construction programme. However, the 'worst case' effects will be temporary in nature and the adoption of mitigation measures outlined in the Environmental Statement will reduce the predicted impact. At all other times, the effect during construction will be neutral. There will be no vibration impact during the construction works. The effects from road traffic noise attributable to the redevelopment will be no more than 'very slightly adverse' as a 'worse case' in the most affected areas. The proposed residential properties along the northern boundary of the site will experience moderately high noise levels from road traffic and, consequently, will require adequate noise attenuation measures where appropriate.

Noise from the railway to the south is mitigated through a noise attenuation strategy such as appropriate window fenestration. Taller buildings alongside the boundary will also incorporate mitigation measures as necessary, to prevent noise travelling too far into the site.

L. Contaminated Land

The potential for the presence of contaminated land was determined as part of the Environmental Assessment. Measures to clarify and mitigate (if necessary) the effects of contamination will be determined through investigation and risk assessment prior to construction. These will be implemented through an Environmental Management System (EMS) and associated site specific Construction Environmental Management Plan (CEMP) to provide appropriate mitigation. Appropriate conditions will also be imposed.

M. Sustainability

National and Local Planning Policies support and encourage sustainable mixed use developments on brownfield or previously developed land and the current proposal is entirely compatible with these policies. The redevelopment of this site removes the need to identify comparable amounts of housing land at green field locations.

The site and its surroundings contain no designated sites of nature conservation interest. There are a number of protected species on the site.

The applicants indicate in their Design Statement that considerable emphasis will be placed on sustainability. This will be secured through energy efficiency, water conservation, building materials, recycling and bio-diversity.

Walking and cycling routes are integrated through the development and links made to the wider footpath network. Accessible open space, including amenity open space and local areas for play will also be provided. The scheme and existing properties in Norton Fitzwarren will also benefit from the construction of an upstream dam, minimising the risk of flooding in this area.

The development is to provide affordable housing as part of the development.

The proposed development aims to design out crime by ensuring that footpaths and play areas, as well as other areas of open space, are overlooked by adjacent properties.

The increase in population resulting from the development will help to support existing and proposed local facilities and aid in the consistent economic growth of the area. The proposed village centre is another integral benefit of the project.

Employment opportunity is offered through the inclusion of a commercial element to the scheme. This area will help to promote sustainable living through the opportunity of live/work in close proximity.

The development is dependent upon a comprehensive flood alleviation scheme which will provide protection to the 1 in 100 year (+ 20%) event for 93 existing properties in the village, as well as to the site itself. I regard this to be a major community benefit.

O. Other Issues

An archaeological assessment was carried out for the site, which identified the need for archaeological evaluation involving trial trenching. The evaluation, in the south-eastern corner of the site, did not identify any significant archaeological deposits. Nevertheless, it is possible that buried archaeological remains of prehistoric or later date could survive elsewhere, although these may have been damaged, if not destroyed, by intensive 20th Century development. An archaeological watching brief condition is therefore recommended.

The site contains two buildings (Morses House and Home Place/Edenmead of 17th Century date and another (The Doll's House) of 19th Century date. These buildings are of architectural significance and also contribute to the historic streetscape of Norton Fitzwarren. All three are proposed for demolition and therefore further detailed assessment should be carried out in order to assess their full significance prior to demolition.

Wessex Water, in their consultation response, confirm that there is adequate capacity at the foul water terminal pumping station and there is adequate capacity in the water main.

Because of the increased contributions from the development towards off-site flood alleviation works, it is considered that it would render the scheme unviable if contributions for improvements to education provision in the area, as requested by the County Children and Young Persons Directorate, are sought.

11.0 CONCLUSION

The proposed development will allow for the re-use of vacant, derelict brown field land. The re-use of previously developed land is recommended in Planning Policy Statement 3 'Housing' and the site is allocated for redevelopment in the Taunton Deane Local Plan. The development of this site will go some way towards providing much needed residential units over the next few years. The employment related development at the site will also provide employment for local people.

The Norton Fitzwarren area (including the current application site) regularly suffers from severe flooding. The redevelopment of this site will allow the implementation of flood prevention works that will prevent future flooding of

the site and given protection to the 1 in 100 year (+ 20%) event for 93 existing properties in the village .

There will be substantial overall community gain from the proposed development despite the concessions regarding Section 106 contributions.

The proposed development is inextricably tied in with the provision of the upstream dam and other flood alleviation works. It is in everyone's interest that the flood alleviation scheme is provided as soon as possible. Commencement of the off-site dam works (due to commence at the beginning of March) is dependent upon the planning application being approved soon after this Committee date in order that the necessary contracts can be in place by 1st March. Any slippage would delay construction of the flood alleviation works by at least a year. This is reflected in my recommendation.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

Appendix

Taunton Deane Local Plan Policies

- T4 Sites at Norton Fitzwarren as shown on the Proposals Map are proposed for a major development site including housing, employment, community facilities and associated developments as set out in more detail in policies T5-T7. To ensure the provision of a satisfactory overall development, a co-ordinated approach and the delivery of the following key elements will be necessary:
- A) primary and secondary school accommodation in accordance with policy C1;
 - B) social and community facilities in the local centre;
 - C) playing fields and public open space in accordance with policy C4;
 - D) landscaping;
 - E) comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection;
 - F) affordable housing provision in accordance with policies H9 and H10;
 - G) a bus route within the site and a service between the site and Taunton town centre;
 - H) a comprehensive cycle and pedestrian network within the site development area, providing convenient access to local services, community facilities, employment areas and public transport stops;
 - I) cycle access that links the site with the existing/proposed cycle network as identified in the Taunton Transport Strategy;
 - J) a Norton Fitzwarren relief road to the south of the proposed residential areas; and
 - K) traffic calming of Blackdown View outside and on the approaches to the Primary School.
- T5 The following sites are allocated for housing development as part of the Norton Fitzwarren major development site:
- A) Taunton Trading Estate incorporating Pring's Mobile Home Park, 14.8 hectares;
 - B) Matthew Clark Cider Factory, 3.9 hectares; and
 - C) MoD Land, Cross Keys, 0.9 hectare.
- T6 The following sites are allocated for employment facilities for business, industrial and warehousing development as part of the Norton Fitzwarren major development site:
- A) Taunton Trading Estate, 7.5 hectares gross (5.2 hectares net); and
 - B) Matthew Clark Cider Factory, 0.7 hectare gross (0.5 hectare net).
- T7 The following sites are allocated for community uses as part of the Norton Fitzwarren major development site:
- A) Matthew Clark Cider Factory and Mill House; Local Centre including local shopping and other commercial and community uses, 1.7 hectares;
 - B) west of Stembridge Way; playing fields, 4.3 hectares;

- C) along the course of the Halse Water and elsewhere within the housing areas; linear public open space;
- D) Norton Fitzwarren Primary School, Blackdown View; school extension; and
- E) Norton Fitzwarren Hill Fort; public open space (5.6 hectares).

In addition, a new school playing field to meet the needs of the expanded primary school will be required on a site to be agreed by the school and Education Authority.

25/2006/026

SECRETARY OF STATE FOR DEFENCE

ERECTION OF COVERED VEHICLE STORAGE, WORKSHOP AND LOGISTICS COMPANY ACCOMMODATION, TOGETHER WITH PROVISION OF EXTERNAL PARKING AND MANOUVERING AREAS, NORTON MANOR CAMP, NORTON FITZWARREN

319197/127011

FULL

PROPOSAL

The site is to the east of the camp at Norton Manor, and is framed by MoD buildings to the south and west, and by wooded areas to the east and north. It is proposed to erect a new complex of buildings and service areas to meet current standards in an area to the eastern side of the camp. There is a public footpath to the east of the application site, from which it is possible to see some of the site between the wooded areas. Currently the land is vacant, but was previously used, and is considered a brownfield location within the camp. The proposed main building accommodation for the vehicle stores and workshop building No.1 takes advantage of the level change in the area, and consists of mainly two storey building, with some single storey but with high ridge. The lower buildings are the vehicle stores, which are located to the rear of one of the newer buildings (offices and stores) within the camp, which is 'C' shaped. There are large areas of parking to the east of the main building. The main building comprises 1877 sq m for vehicle parking, 860 sq m of workshop and servicing with storage, and at first floor approx. 1318 sq m office and ancillary accommodation and has an overall height of 9 m to ridge. Building 2 has 230 m sq internal covered vehicle parking and 55 sq m covered storage, and Building 3 has 425 sq m covered vehicle storage, with and height of 5.6 m to ridge. The buildings will be steel frame, with brick facings and composite metal panels and metal standing seam roofs with some rooflights over workshop bays, the colours of the materials have not yet been chosen. Attenuation ponds have been constructed within the camp, which provide the necessary drainage requirements.

The current Motor Transport and Logistic Company facilities are housed in several different World War II buildings, which are considered to be beyond their useful life and some are beyond economic repair (these are not considered suitable buildings for listing). These will be demolished in due course when the replacement buildings are constructed. Currently all military vehicles are stored in the open, which contravenes MoD requirements; one of the benefits from the development would be lengthening the operational life of these vehicles. The existing vehicle inspection pits and vehicle washdown facilities are unsatisfactory and do not meet modern standards.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the site is well screened from the road so long as the new buildings and external car parking are well landscaped with new tree planting the

proposals should have limited wider landscape impact. DRAINAGE OFFICER no objections, some queries raised, but content with responses.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, S7 Developments Outside Settlements. The following are not strictly applicable, but there are no specific policies for the MoD site, so these are considered to be most applicable EC2 Expansion of Existing Firms on Land Subject to Restrictive Policies, EC7 Rural Employment Proposals.

ASSESSMENT

The site is well established as the MoD Norton Manor Camp, and redevelopments for more modern accommodation and buildings are generally acceptable. The current proposal will lead to the demolition of several old World War II buildings, and their replacement by purpose built structures to meet modern standards. No trees will have to be removed, and none of the buildings are close to the Listed Buildings on the Camp. The design is considered to be acceptable as a modern industrial style of building, and generally considered to be appropriate in a location which has no adverse effect on the character of the area.

RECOMMENDATION

Subject to the views of the Secretary of State under the departure procedure the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions on time, materials, landscaping. Notes re trees towards road, and shrubs by car parking areas.

REASON(S) FOR RECOMMENDATION:- The proposal is considered appropriate, for the applicant in an area where new development is normally restricted, on the basis that the site is an established MoD site, within open countryside, there will no adverse effect on the locality or neighbourhood, the proposal is considered to accord with Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

35/2006/023AGN

MR J BATCHELOR

ERECTION OF AGRICULTURAL BUILDING, STAWLEY FARM, STAWLEY AS AMENDED BY DRAWING NO. JUB726A RECEIVED 25TH JANUARY, 2007

306481/122084

NOTIFICATION - AGRICULTURAL

PROPOSAL

The proposal provides for the erection of a 30 m x 15 m agricultural shed on farm land to be used as an implement store and overspill stables for horses. The height will be 4 m to eaves and 6.1 m to ridge. The building will be cut into the sloping ground such that the eaves at the uphill side of the building will be 2 m above existing ground levels. The materials are to be natural timber weatherboarding and green upvc coated steel profile sheets for the walls and natural grey fibre cement roof.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL the proposed 6.1 m high building will be very close to, if not actually on the skyline of one of the highest points in the area. The Council feel it will have a significant impact on its surroundings and suggest resiting further from the highway and the skyline and be effectively screened.

LANDSCAPE OFFICER main concern is that the proposed building is on high ground and will be locally prominent. The applicants should consider alternative positions within their ownership, e.g. in the lower more southerly field.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments.

ASSESSMENT

The amended plans reposition the proposed building further away from the road and incorporate 1 m high mounding and tree planting on the northern side of the proposed building and additional tree planting between the proposed building and the road. While the proposed building will have some impact, I consider that the amendments are acceptable and recommend favourably.

RECOMMENDATION

Subject to the receipt of no representations by 19th February, 2007, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine

and permission be APPROVED subject to conditions of time limit, materials, landscaping and landscape completion check.

REASON(S) FOR RECOMMENDATION:- With the submitted landscaping scheme, the proposal is considered not to have a seriously detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

38/2006/487

MR & MRS C LAM

**CHANGE OF USE TO TAKE AWAY FOOD BUSINESS AT 112 STATION ROAD,
TAUNTON**

322121/125311

FULL

PROPOSAL

The site comprises a mid terrace two storey property, situated on the southern side of Station Road, opposite the junction with Whitehall Road. The application is for a change of use from Class A1 retail to Class A5 takeaway.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY given numerous other outlets in the area it would be unreasonable to object.

ENVIRONMENTAL HEALTH OFFICER recommends conditions re odour and noise.

NINE LETTERS OF OBJECTION have been received raising the following issues:- additional traffic and lack of parking; noise and disturbance; litter and rubbish; excessive numbers of takeaway restaurants in area.

POLICY CONTEXT

Taunton Deane Local Plan Policy T21 secondary Shopping Areas, permission will be granted for non-retail uses provided the use is appropriate and complementary to the area, generates customer activity and it retains the commercial frontage. T22 diversity in the town centre; the use should complement the existing range of shopping facilities.

ASSESSMENT

The property is considerably smaller than the other properties along this section of Station Road. It is currently vacant and boarded up. The properties adjoining both sides are in use as Class A4 (hot food takeaway). Along this part of Station Road there are numerous restaurants and takeaways. The main consideration in respect to this application is whether the addition of another takeaway will undermine the character and vitality of the shopping area. The local plan does support uses other than retail, within secondary shopping areas. In light of this and in the absence of an objection from the Highways Authority it is considered that the proposal is acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, opening hours, retention of display window, details of extraction units, odour and noise. Notes re Food Safety.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual or residential amenity or the viability of the secondary shopping area and is in accordance with Taunton Deane Local Plan Policies S1 and T21.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

38/2006/539

T J S (ARCHITECT) LTD

**ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING BUILDINGS AT 86-88
PRIORY BRIDGE ROAD, TAUNTON**

323068/125078

FULL

PROPOSAL

The proposal comprises the erection a building housing 12 flats to replace the existing pair of storey semi-detached properties currently used as offices at 86 - 88 Priory Bridge Road. The layout sites the building to reflect the existing building line along the road and provides a central access which initially served 4 parking spaces at the front and 8 to the rear via an archway. The revised proposal provides disabled parking only at the rear and provides for landscaped amenity space to the front and rear of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST: The site lies in the Area of High Archaeological Potential as defined in the Local Plan. It is in the area of the known to be the Medieval Priory which recent excavations have shown to be well preserved. Normally I would advise an evaluation take place prior to development but as the site is already developed I accept that investigation can take place after permission has been granted. I recommend the applicant be required to provide monitoring and a report of any discoveries made. This should be secured by model condition 55.

ENVIRONMENT AGENCY objects to the proposal on the following grounds – Recent modelling of the River Tone, undertaken by Black & Veatch for Project Taunton, has suggested the site is within flood zone 2. However flood levels show that the site would flood during the 1 in 100 year climate change scenario and therefore under the requirements of PPS25 the site must be appropriately defended against flooding for the lifetime of the development. The applicant has not provided sufficient detail regarding the nature of the proposed boundary wall. The wall will act as a defence and the applicant must therefore demonstrate that the structure would withstand such an event. The entrance driveway to the site may act as a flow path into the site from the main road and detail of how the applicant intends to protect the site from flooding via this route is required. The applicant has stated that the surface water from the site will drain into the combined sewer in the north east corner of the site. However comments from Wessex Water suggest that this sewer is foul only and therefore cannot receive surface water flows. Wessex Water has advised the applicant to investigate other means of site drainage. The Environment Agency would like to see the use of sustainable drainage systems to be incorporated where appropriate. The boundary wall is likely to cause surface water to become trapped on the site. The applicant needs to consider how the site will drain effectively without providing a means for fluvial flows to enter the site. WESSEX WATER the development is within a sewered area and it will be necessary to connect to the system which can be agreed at detailed design stage. According to our records there

is a public foul sewer crossing the site. An easement width either side is normally required for maintenance and repair. Diversion or protection measures may be needed. A condition or informative should be imposed to require the developer to protect the systems and agree arrangements for protecting the infrastructure crossing the site. There are no existing separate surface water sewers and it is advised the developer investigate alternative methods for the disposal of surface water (e.g. soakaways). Surface water should not be discharged to the foul sewer. You should be satisfied with any suitable arrangement for the disposal of surface water. There are water mains in the vicinity and connection can be agreed at detailed stage.

POLICE ARCHITECTURAL LIAISON I am concerned that the boundary protection to the site overall is very low, and feel that this leads to the building, residents and their vehicles in the car parking area being vulnerable to attack. Therefore, I would recommend that the boundary walls should be to at least 1.8 metres in height. I am concerned, on grounds of personal safety and site/vehicle security, that the access alleyway for vehicles and pedestrians appears to be insecure. This would allow those with criminal intent to simply walk/drive into this vulnerable area without any form for control. I accept that the ground floor flats on either side have windows that look out towards Priory Bridge Road, but I do not feel that this is sufficient. I would recommend that the entrance should be gated at the front of the building line. Separate pedestrian and vehicular gates could be considered if there is sufficient width. These gates, or gate, should be electrically operated, with remote control from residents' key fob or similar device. The gates should be to the same height as the perimeter walls, i.e.1.8 m. If this recommendation is followed, any intercom linked access control system will need to be installed outside the gating. Adequate security lighting, controlled by photo-electric cell (PE), should be considered to the entrance alleyway and the car park.

LANDSCAPE OFFICER it is important that space is allowed for at least two street trees at the front of the property and three at the rear and there is scope for some larger growing trees.

FORWARD PLAN a development of the site for residential use is acceptable in principle. As the site is located in the 1 in 100 year floodplain of the River Tone due consideration will need to be given to flood risk issues in accordance with policy EN28 of the Local Plan. Although this proposal addresses some of the issues raised in our comments on the earlier scheme we are still concerned about the proposed use of the land at the front of the building for car parking. The need to consult with Project Taunton with regard to the development of adjoining land remains.

LEISURE DEVELOPMENT MANAGER in accordance with Policy C4 provision for play and active recreation must be made. I would therefore request a contribution of £1785 for each 2 bed + dwelling towards children's play facilities within the vicinity of the development and £859 per each dwelling towards borough wide outdoor recreation.

1 LETTER OF CONCERN has been received raising the following issues:- over parking provision.

POLICY CONTEXT

RPG 10 – Regional Planning Guidance for the South West Policy EN4 – Quality in the Built Environment, Policy HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy11 – Areas of High Archaeological Potential, Policy 33 – Provision for Housing, Policy 49 – Transport Requirements of New Developments

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing within Classified Settlements, C4 – Leisure and Recreation, M4 – Residential Parking Requirements, EN28 – Development and Flood Risk

ASSESSMENT

The proposal is for the erection of 12 flats and the main considerations are the impact on the character and appearance of the area, the policy implications of the use, parking, recreation provision and flood risk.

The building proposed is three storey in brick and slate, which reflects the character of other similar flat developments in the area. The revised plans improve the landscape setting of the street scene to the front of the building and allow for improved amenity space to the rear. The rear and side boundary treatment to the site has been revised in light of the initial Police concerns to address security. The design is considered to reflect the amenity impact on adjacent properties and is considered acceptable in design terms.

The site is adjacent to the major development site at Firepool which is referred to under policy T3 of the Local Plan. While the site itself lies outside this area it does fall within the draft Taunton Area Action Plan boundary. However this is at an early stage of preparation and PPS3 advises that planning applications should not be refused on the grounds of prematurity alone. The site is potentially part of a site for a multi-storey car park, however if this were to proceed the application site would need to be acquired. The approval of this site would not prevent the larger development occurring.

The proposal initially provided for a parking layout for 12 vehicles. However, this left little amenity space for residents. The site lies close to the town centre and it is considered that the reduction in parking provision in this location would be acceptable, particularly as there is a public car park on the adjacent site. The revised plan provides 4 disabled parking spaces and allows adequate amenity space for the occupants and this is considered to comply with policy M4 of the Local Plan.

The site requires a contribution for play and active recreation and the applicant is aware of this need and is agreeable to a Section 106 requirement and to the potential provision of a Grampian condition in respect of this contribution. In light of this agreement it is considered appropriate in this case to impose a condition.

The site lies within a flood risk area and the Environment Agency has initially raised objection due to the need to adequately defend the site in times of flood. The applicant is proposing finished floor levels at 15.45 m to address the flood risk allowing for climate change and there is a bund wall proposed around the site to further address the flood protection issue. Further comments from the Environment

Agency are awaited in respect of these protection issues and the subject to the Agency being happy with the protection details and conditions the scheme is considered acceptable.

In summary the proposal is considered the appropriate re-use of a brownfield site in a sustainable location close to the town centre. The scheme is of an acceptable design and subject to the concern of the Environment Agency being addressed the application is recommended for approval.

RECOMMENDATION

Subject to the views of the Highway Authority and Environment Agency on the amended plans the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, drive materials, guttering, walls/fences, cycle parking, bin storage, meter boxes, floor levels, boundary flood protection, parking, archaeology, combined aerial and no development before provision of leisure and recreation contribution agreed.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan policies S1, S2, H2, C4 and M4 and material considerations do not indicate otherwise.

In the event that the Environment Agency maintain their objection permission be refused for reason of development in a flood risk area contrary to PPS25 and Taunton Deane Local Plan policy EN28 on 23rd February 2007.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/563T

MR GEOFFREY BAILEY

APPLICATION TO FELL ONE FOXGLOVE TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO. 3) TREE PRESERVATION ORDER 2006 AT BERNARD TAYLOR HOMES, MAGDALENE STREET, TAUNTON (TD 1017)

323072/124653 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

Permission is sought to fell a Foxglove tree (*Paulownia tormentosa*) growing in the courtyard of Bernard Taylor Homes and replant with a more appropriate species. The application is being made by a resident of Eastgate Gardens who is affected by the tree. The applicant argues that the tree casts heavy shade on his flat, requiring the use of artificial lighting during the day. The owner of the tree, Taunton Town Charity support the application to fell and have offered to plant a Paulownia on one of their alternative sites in the area, in addition to planting a replacement at Bernard Taylor homes.

CONSULTATIONS AND REPRESENTATIONS

THREE LETTERS OF SUPPORT have been received, raising the following issues:- the tree casts heavy shade on the neighbouring properties. Its leaves are particularly large and when they fall produce a slippery mass that is a hazard, particularly as the residents are elderly; the fallen leaves also leave a slimy residue on cars and car windscreens; the roots appear to be lifting the adjacent tarmac path used by the elderly resident to get to the disabled buggy store; this is a hazard; the tree encourages insects and dust; the owner of the tree, Taunton Town Charity, supports the application.

ASSESSMENT

It is considered that the issue is whether the amenity, provided by the tree, and enjoyed by some, is significant and sufficient to override the wishes of those who live close to the tree and have to suffer the problems it causes.

The Order was served in November 2006 when the Council was made aware that the tree was under threat. It is considered that the tree has significant amenity value. It can be seen from the properties that surround the courtyard, the entrance to Eastgate Gardens from Tancred Street and can be glimpsed through the gap between Bernard Taylor Homes and Eastgate Gardens from Magdalene Street. It is not highly visible but is in an urban area where trees are scarce and the establishment of new trees is difficult. Paulownias are uncommon species. The tree has undergone tree work in the past and as a result has a poor form. However, pollarding or alternative tree work could overcome this. There are cultural justifications for pollarding Paulownias. In assessing the amenity value of the tree the

'Heliwell System' has been used. The tree scores 62 points out of 84, where a score of over 58 indicates a tree worthy of protection.

The problems caused by the tree are to do with it being regarded as too close the building and being of an inappropriate species where elderly people frequent. The tree is about 8 m tall with a spread of about 10 m. Lateral branches are within metres of the flats on the south side and it is considered that the tree blocks out light for much of the day during the growing season. No evidence was found that the tree is causing damage to property. Paulonias have exceptionally large leaves and it is considered that they are likely to present problems to the elderly if not cleared away.

It is considered, that in balance, the reasons for felling the tree are not sufficient to outweigh the amenity afforded by it and enjoyed by some. The problems caused by the tree can largely be removed, either by pollarding or crown raising. There is no evidence that the tree is causing damage to property.

Pollarding will reduce the size of the crown considerably, allowing light to the windows of the flat. Crown raising the tree will have the effect of lifting the bulk of the vegetation above the eaves and although shade will still be cast on to the flats, this will be less dense and views out under the canopy will be possible.

The problems caused by the leaf litter are a nuisance but only for a short time in the Autumn and can be resolved by the leaves being swept up regularly. It is understood that is onerous for the residents but it is not reasonable for permission to be given to fell trees because they drop leaves. The problem with insects and dust will be reduced if the limbs of the tree are away from the facades of the flats. The damage to the tarmac is not considered significant, and tree work will help to reduce future damage caused to the paved surface and the buildings. Although the owners have offered to plant an additional replacement tree this will not easily replace the loss of amenity.

RECOMMENDATION

Permission be REFUSED for the reason that the tree has a high amenity value. Note re an application is made to either pollard or crown raise the tree.

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

CONTACT OFFICER: 356493 MR P BRYAN (WEDS, THURS, FRI)

NOTES:

38/2006/577

MR A ROUS

**ERECTION OF DWELLING ON LAND TO REAR OF 16 STATION ROAD,
TAUNTON**

322564/125050

FULL

PROPOSAL

The proposal comprises the erection of a single detached one bedroom dwelling to rear of 16 Station Road on unused courtyard area at the rear of a commercial premises. A previous permission for a dwelling here was approved under delegated powers.

The revised scheme is before Members as the Agent is related to a staff member.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 11 – Areas of High Archaeological Potential, Policy 33 – Housing.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing in Settlements, H4 – Self Contained Accommodation, M4 –Parking, EN23 – Areas of Archaeological Potential, EN28 – Flood Risk, EN32 – Contaminated Land.

ASSESSMENT

The site is an open yard area between the rear of the existing Station Road properties and the Beauty Salon in Black Horse Lane. Access would be off the Lane with no vehicular parking although cycle parking is provided. Permission has also previously been given for a retail unit here as well as a dwelling. The revised scheme changes the position of the windows to the dwelling.

The site is in an area of flood risk and archaeological interest and these issues have been addressed and a condition imposed where necessary. With regard to neighbour impact the first floor bedroom has been provided with high level roof lights to address overlooking and no objections have been received.

The revised scheme comprises a suitable re-use of a brownfield site.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, window design, windows recessed, floor level, bin and cycle store. Note re flood risk.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/599

COUNTRYSIDE CONSTRUCTION LTD

ERECTION OF BUILDING COMPRISING FOUR FLATS, FORMATION OF PARKING AND RETENTION OF BOUNDARY FENCE AT 87 STAPLEGROVE ROAD, TAUNTON

322040/125167

FULL

PROPOSAL

The proposal is to erect a two storey building divided into 4 flats to the rear of the listed building at 87 Staplegrove Road. Two previous schemes for a block of five flats and another for three town houses was previously refused and dismissed on appeal. The roof pitch of the new building is steep to reflect the Coach House and is a more traditional design set into the garden to limit its impact. A parking space for each of the new flats is provided.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER the development is located in a sewered area with foul and surface water sewers. There may be a sewer crossing the site that by virtue of its age is deemed a public sewer. An easement and works within 3 m would normally not be allowed. The developer has proposed disposal of surface water to soakaways. Points of connection onto Wessex systems would need to be agreed at detailed design stage.

LANDSCAPE OFFICER there are no landscape proposals for the site. Given the Inspector's concern for the Horse Chestnut and other landscape issue I think it important to give more consideration to setting of the proposed building. In particular the car parking arrangement around the apple tree would not meet the requirements of BS5837. The advice is no construction should be undertaken within the canopy spread of the tree. CONSERVATION OFFICER considered acceptable subject to condition for sample of wall/roofing material.

4 LETTERS OF OBJECTION have been received raising the following issues:- car parking is inadequate and potential for more vehicles on the site than spaces available; it would constitute overcrowding and would be over dominant in proportion to the main site and Coach House; the steep roof pitch would be higher than the Coach House; full height windows would cause overlooking and loss of privacy to neighbours; building would be too tall and visible from Weirfield Green and Staplegrove Road; conservation boundary not shown and wall to parking area within boundary; no protection to neighbouring gardens from excavation and heavy lorries could harm tree roots; parking would impact on garden and problem of vehicle storage; a single storey would be more appropriate; landscaping not mentioned and concern over soil excavation on drainage.

POLICY CONTEXT

RPG10 – Regional Planning Guidance for the South West EN3 – The Historic Environment

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 9 – The Built Historic Environment.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing in Settlements, EN5 – Protected Species, EN6 – Protection of Trees, EN8 – Trees in and Around Settlements, EN14 – Conservation Areas, EN16 – Setting of Listed Buildings .

ASSESSMENT

The main consideration with the proposal is the impact on the character of the area and the setting of the listed building. The site consists of part of a rear garden area to a listed building which lies within the conservation area, although the rear of the site does not. A two storey building of 4 flats of a traditional design is now proposed.

The Planning Inspector in his decision letter agreed that some form of development at the rear of this site might be feasible. The issue here is whether the current scheme satisfactorily addresses the impact on the setting of the Listed Building and the character of the conservation area in light of the Authority's duty to preserve and enhance the character of the conservation area and not to detrimentally affect the setting of a Listed Building.

Some of the neighbours still consider the proposal would adversely affect the character of the area and their properties. The building is set 8 m off the rear boundary with properties in Weirfield Green and this was considered an acceptable impact on the amenities of the neighbours in relation to the appeal proposal and is considered acceptable in terms of the current scheme. The parking area is proposed to the front of the building and the hardsurfacing area does not encroach closer to the listed building which was a concern of the appeal proposals. The level of parking provision in such close proximity to the town centre is considered acceptable here. Conditions to limit the extent of parking and hardsurfacing are considered necessary to safeguard the setting of the listed building.

The new building is 7 m to the ridge and this is approximately 400 mm higher than the adjacent Coach House. While this reflects the scale of the main listed building it is set 28 m away from the rear of this building. The Conservation Officer considers the scale of the building to be an acceptable one in terms of the setting of the listed building and the character of the adjacent conservation area. A landscaping scheme to enhance the setting of the building will be required. The boundary trellis type fence set within the side wall around the side of the listed building and a more solid fence to screen the bin store is considered appropriate.

In summary the proposal is considered to respect neighbouring amenity, to respect the character of the adjacent conservation area and not detract from the setting of

the listed building. Adequate parking is provided within the site and the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, willow protection, gate height limiter, parking, bike store, bin storage, turning area, no additional hardstanding, means of preventing parking beyond designated area, timber windows and doors, windows recessed, obscure glazing to first floor side elevations and tree protection. Note re Wessex Water infrastructure and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan policies S1, S2, H2 and EN16 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

46/2006/041

J & G PROPERTY DEVELOPMENTS (TAUNTON) LTD

ERECTION OF 3 NO. BUILDINGS TO PROVIDE 12 NO. INDUSTRIAL UNITS WITH ASSOCIATED SITE WORKS, LAND ADJACENT TO CHELSTON MANOR, CHELSTON, WELLINGTON (REVISION TO PERMISSION 46/2003/016)

315308/121350

FULL

PROPOSAL

The site is within an area allocated for employment use in the Taunton Deane Local Plan. A previous scheme was approved in 2004 following a call-in Public Inquiry. A further permission was granted last year for an amended scheme. The current scheme seeks to amend part of the original approval. The site has been reconfigured to meet the specific requirements of a number of potential end users. The 2006 permission proposed buildings to a height of 8.1 m – 8.4 m. The current proposal reverts back to the 6.8 m height buildings similar to those on the 2004 permission. The 2004 permission provided for three single use approx 600 sq m industrial units. However these are proving difficult to let or dispose of, so the applicants now wish to provide similar buildings, but with each sub-divided into four approx 140 sq m small business units. The external design has been altered to accommodate the additional openings, but remain otherwise unchanged from that previously approved. Noise mitigation recommendations contained in an Acoustic Report have been incorporated into the plans. The same surface water details as that approved on the 2004 permission are proposed. Each block of four units will benefit from 12 parking spaces each, this being the same ratio as the previous permission.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY holding objection on the basis that the application is not accompanied by a Flood Risk Assessment as required by PPS25. WESSEX WATER there is sufficient capacity for sewage treatment and water supply. CHIEF FIRE OFFICER need to adhere to the Approved Documents and British Standards with regard to means of escape, access for appliances and water supplies.

LANDSCAPE OFFICER subject to detailed landscape proposals being submitted it should be possible to integrate the proposals into the local area.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy EC1 states that business, industrial and warehousing development will be permitted within the defined limits of settlements provided that certain criteria are met. It is considered that the criteria are met with the current proposal.

The site is within an area allocated for employment development in the Taunton Deane Local Plan, and there have been previous planning permissions covering the site.

ASSESSMENT

The site benefits from an extant planning permission for industrial units and there is no impediment to that development being completed. The submitted scheme is physically no different in size, height and mass to that which has been previously approved. Thus there is no further material impact on the character and appearance of the area. The sub-division of the approved units to provide 12 smaller units will meet a recognised local need to the benefit of the economy of the area as a whole.

RECOMMENDATION

Subject to the receipt of views from the County Highway Authority and the Environmental Health Officer and further views of the Environment Agency, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine the application and permission be GRANTED subject to conditions of time limit, materials, landscaping, retention/protection of trees/hedges, no service trenches beneath canopies of trees, boundary treatment, estate road details, parking, service road, cycleways/footpaths, no open storage, bunding, visibility splays and cycle parking. Notes re disabled access, energy/water conservation, CDM Regulations, no surface water discharge onto highway, Environment Agency, surface water drainage system, Water Resources Act, access to bank side of stream, prevention of pollution and agreement with CHA.

REASON(S) FOR RECOMMENDATION:- The proposal is within an area allocated for employment use in the Taunton Deane Local Plan and is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site has good transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

52/2006/037

DAVID & JOYCE WATKINS

**ERECTION OF SINGLE STOREY EXTENSION AND ALTERATION TO ROOF AT
5 LANGHAM DRIVE, COMEYTROWE**

321335/123283

FULL

PROPOSAL

The site comprises a detached bungalow with an attached flat roofed garage. The application is for alterations to the existing garage to use it as ancillary accommodation. The flat roof will be replaced with a pitched roof.

Planning permission was granted in March 2006 for single storey extensions and erection of detached garage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY Highway AUTHORITY object to the loss of the garage and the resulting increased use of the access onto Norwich Close, which has poor visibility.

PARISH COUNCIL support.

THREE LETTERS OF OBJECTION have been received raising the following issues:- pitched roof of the garage and proximity of the garage to the existing fence; refer to the recently approved garage, not the existing attached garage.

POLICY CONTEXT

Taunton Deane Local Plan Policy H17 supports extensions to dwellings provided they do not harm; the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

ASSESSMENT

This application refers to the existing flat roof garage attached to the side of the dwelling. It does not involve any alterations to the recently approved detached garage. There is not considered to be any adverse impact upon the visual amenities of the area. It is felt that the revised plans reduce the potential impacts upon the adjoining property and is now considered acceptable. The highways concerns regarding turning and visibility are not considered relevant, as this aspect of the application could be carried out as permitted development. It would not be reasonable to impose conditions on this application referring to an access that is part of a previous approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The scale and design of the extensions is considered to be acceptable and it is not thought that they will harm the appearance of the street scene or neighbouring amenity. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

Planning Committee – 14 February, 2007

Report of Development Control Manager

Miscellaneous Item

38/2006/198 - Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton

Planning permission was granted in 2006 for the erection of 24 flats at Eastwick farmhouse, adjacent to 45a Eastwick Road. A condition was placed on the approval requiring the windows on the second floor to be fixed opening and obscure glazed in order to protect the amenity of the occupier of the adjacent property. The windows for flats 18 and 24 do not overlook 45a Eastwick Road and flat 23 is at an angle to 45a Eastwick Road and faces onto the front garden of 45a Eastwick Road.

In the circumstances it is considered unreasonable to insist that those windows are obscure glazed or restricted opening.

RECOMMENDATION

The Planning Committee agree not to enforce the condition in respect of flat numbers 18, 23 and 24 but insist on compliance for flat 22.

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

CONTACT OFFICER: MRS J MOORE TEL: 356467

Planning Committee – 14 February, 2007

Report of Development Control Manager

Miscellaneous Item

Revisions to Scheme of Delegation

This report considers possible revisions to current delegation procedures. Any changes are a matter for decision by the Portfolio Holder and will be published in the Weekly Bulletin. However, both the Portfolio Holder and the Development Control Manager consider that it is appropriate that the Planning Committee are given an opportunity to comment.

The background to the proposal are:-

- (i) The recent CLG report 'Councillor Involvement in Planning Decisions'.
- (ii) Concerns over time taken to determine relatively minor applications that currently need to be referred to Committee.
- (iii) The perceived effect of long meetings upon the quality of decision making and concern that the general public often have to wait several hours to hear their particular item heard.
- (iv) Concerns over inconsistency between Parished and the Unparished Area.

(i) CLG Report 'Councillor Involvement in Planning Decisions

This recently published report recommends that "an appropriate balance must be achieved between the degree of delegation and continuing involvement of elected Members in planning decision-making: increased delegation would appear to lead to more predictable planning decisions (in line with adopted policy) but some degree of Councillor involvement should remain for the more significant or controversial cases or where the issues are finally balanced."

The progress of project Taunton and increased levels of growth associated with the Regional Spatial Strategy and Taunton's Growth Point status all indicate that the number of complex major planning applications that the Council are asked to consider will increase. It is vitally important that the Planning Committee has the capacity to appraise these most important developments in detail.

The proposal set out below will reduce the number of small-scale proposal that need to be reported to Committee.

(ii) Concern over time taken to determine applications that currently need to be referred to Committee

It is imperative that the Council maintains its performance in terms of time taken to

determine planning applications. Whilst it is still of paramount importance that decision-making is of a high quality, delays in the planning process not only have impacts for the Council in terms of both funding and potential central government intervention, it can also have a significant adverse impact upon the economy of the area. In the third quarter of the current year (October – December 2006) 79% of decisions made under delegated powers (or via the Parish delegation scheme) were made within eight weeks of receipt. However, only 19% of those referred to Committee were made within this time period. Whilst officers endeavour to produce reports for Committee as early as possible, the emphasis of the current system upon consultation responses to determine whether an application goes to Committee, does cause considerable difficulty in meeting the statutory deadlines. One aim of the simplified delegation scheme proposed is to give more certainty as to whether an application will be referred to Committee from early on in the determination process.

(iii) The effect of long meetings upon the quality of decision-making and upon the general public who often have to wait several hours to hear their particular item heard

The number of applications currently being referred to the Planning Committee often mean that meetings can be long. For example, the meeting on 24 January, 2007 lasted over five hours and finished after 10 p.m.

The amount of information that needs to be considered in relation to each application is such that there is concern that both officer and Members ability to concentrate and analyse information can be adversely impacted upon by the length of the meeting.

Whilst there is always a reserve date set aside should all business not be able to be concluded in one night, there is often a quite reasonable reluctance to use this, on the basis that it is felt unreasonable to ask Members of the public, who may already have sat through several hours of a meeting, to return on a second occasion.

(iv) Concerns over inconsistency between Parished and the Unparished Area

The current delegation scheme is such that where a Parish Council holds a contrary view to the recommendation, an application is automatically referred to the Planning Committee, whether other representations have been received or not. It is therefore inevitable that the Committee considers comparatively less applications in Taunton, which does not have a Parish Council. The revisions seek to redress this by amending the criteria for referral.

Proposed Amendments

In identifying revisions to the delegation scheme, the procedures of a number of other local planning authorities were looked at. A major aim of the revisions set out below was to provide a clearer and concise set of criteria.

It is proposed that in future all proposals should be determined under delegated powers other than where the six criteria set out below are met (However, it should be noted that the current system whereby any application which is not referred to Committee, but where conflicting representations have

been received is referred to the Chair/Vice Chair before a decision is made will continue):-

Criterion 1: In the opinion of the Development Control Manager (or Chair), the application is considered to be of a significant, controversial or sensitive nature.

Criterion 2: The application is from an Elected Member or Member of Staff (or partner thereof) and is recommended for approval.

Criterion 3: The application is accompanied by an Environmental Statement (EIA).

Criterion 4: The application is a significant departure and is recommended for approval.

Criterion 5: Where there are conflicting views (giving clear planning reasons) from a Parish Council or Parish Meeting as well as from four or more individuals. (In the case of the Unparished Area where there are conflicting views from four or more individuals as well as a residents group).

Criterion 6: Applications will be delegated to the Development Control Manager to refuse if Section 106 Agreements are not signed within the 8 or 13 week timescale.

CONTACT OFFICER: Tim Burton Tel: 356464

APPENDIX A

Current Delegation Criteria

OFFICER DELEGATION CATEGORIES AGREED BY THE EXECUTIVE COUNCILLOR ON 20TH JUNE, 2002

1. Observations on County Council applications (major proposals and contentious items to be reported to Committee).
2. Change of use of barns and other buildings to residential, business, tourism (including holiday lets) and community uses.
3. Renewals of extant and lapsed permissions where circumstances are unchanged.
4. Minor tourist developments including new build projects such as holiday accommodation.
5. Provision of play areas and play equipment.
6. TDBC applications that fall within the officer delegation categories.
7. Urban brownfield conversions to create not more than 25 residential units.
8. All listed building and conservation applications except those relating to major projects or contentious planning applications.
9. All reserved matter approvals where no objections received (except those concerning major or contentious developments).
10. All telecommunication masts of less than 28 m height and associated equipment where the recommendation is one of refusal.
11. All applications for new residential development within the urban areas of Taunton and Wellington involving 10 or less dwellings.
12. Applications for agricultural dwellings and the lifting of agricultural occupancy conditions where the evidence is convincing.
13. Provision of industrial and business use premises on existing or allocated sites (except those concerning major or contentious developments).
14. Minor works and earth moving operations, including flood alleviation measures.
15. All extensions to buildings.
16. New residential developments in the defined villages of up to 2 dwellings.

17. Change of use of retail shop to A3 food and drink uses.
18. The allocation of grants for the repair of historic buildings.

OFFICER DELEGATION CATEGORIES AGREED BY THE PLANNING COMMITTEE PRIOR TO 20TH JUNE, 2002

1. Dwellings

- A. Minor development within the curtilage of a dwelling house.
- B. Single dwelling house in keeping with those adjoining and not likely to adversely affect the street scene.
- C. Erection of residential annexes which are ancillary to the main house ('granny' flats).
- D. Substitution of dwelling types on residential sites already granted planning permission.

2. Agricultural

- A. Agricultural buildings and works.
- B. Notifications as to whether prior approval of the Council is required for agricultural buildings etc.
- C. Erection of stables on agricultural land.

3. Minor

- A. Minor changes of use.
- B. Minor alterations and extensions to shops and business premises including shop fronts, church premises, youth centres, schools etc. and listed buildings.
- C. Minor developments by Government departments.
- D. Minor modifications of approved plans which do not materially affect the development.

4. Advertisements

All advertisements.

5. Conservation and Listed Buildings

- A. Conservation Area consents.

- B. Demolition of a minor nature within the curtilage of a listed building, i.e. extensions to original buildings, outbuildings and walls.
- C. Minor alterations and extensions to shops and business premises including shop fronts, church premises, youth centres, schools etc. and listed buildings.

6. Trees

Works (top, lop and fell) to trees included within Tree Preservation Order.

7. Temporary and Renewals

- A. Renewals of permissions granted but not exercised where conditions have not materially changed.
- B. Temporary buildings and uses and renewals of temporary permissions.
- C. Temporary caravans on development sites where occupants will occupy building on completion.
- D. Temporary siting of caravans needed to provide alternative accommodation for the occupants of Council houses in course of modernisation.
- E. Temporary classrooms at any school or college.

8. Determination

- A. (i) Determination of whether prior approval of the Council is required for telecommunications equipment and ancillary development; and
 - (ii) in consultation with the Chairman to determine applications where it was considered that prior approval was required.
- B. Determination of whether prior approval of the Council is required to demolish and applications to demolish.

9. Others

- A. Formation of accesses.
- B. Development in the country for which no special reason is advanced.
- C. Overhead electricity lines not exceeding 11 Kv.
- D. Details submitted in satisfaction of conditions in planning permissions other than outline permissions.

- E. Details submitted in satisfaction of conditions in outline planning permission where the development involved fell within one of the delegated groups.
- F. Extension of time for compliance with conditions.
- G. Sample of materials submitted to comply with conditions in planning permissions.

Planning Committee – 14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: North Curry

1. **File/Complaint Number** E153/24/2006 - 24/2004/026
2. **Location of Site** Chestnut Farm, Helland, North Curry
3. **Names of Owners** Mr B Webber
4. **Names of Occupiers** Unoccupied
5. **Nature of Contravention**

Unauthorised fence, extended garden curtilage and the building of walls within the site.
6. **Planning History**

24/2004/026 - Conversion of barn to dwelling, the erection of an ancillary garage, construction of a new vehicular access and change of use of outbuilding to domestic garage for the existing farmhouse at Chestnut Farm, Helland, North Curry. Planning permission granted on 6 August, 2004.

24/2005/037 - Conversion of barn into a 5 bedroomed two storey dwelling with detached double garage at Chestnut Farm, Helland as amended by plans 003D received 11 October, 2005. Permission refused 13 October, 2005. Reasons:- Barn conversion involves significant extension and alterations and this would materially alter the character of the barn. The proposed extended curtilage is considered to be excessive and likely to result in a detrimental change in the character of this rural area. Appeal dismissed 27 November, 2006.

24/2005/065 - Retention of private double garage to the north of Chestnut Farm barn conversion, Helland, North Curry. Permission refused 24 March, 2006. Reason:- The height of the garage is considered excessive and no longer subsidiary in relation to the adjacent barn conversions and will thereby have a detrimental impact on the visual amenity and character of the barn. Appeal dismissed 27 November, 2006.
7. **Reasons for taking Action**

The extended garden curtilage requires Planning permission and it is very unlikely that the Planning Officer would recommend approval for such. The walls that have also been constructed within the site detract from the visual amenity of the area as well as the setting and character of the barn conversion.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice to secure removal of walls and reversion of garden back to that approved and prosecution proceedings subject to satisfactory evidence that the notice is not complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee -14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: North Curry

1. **File/Complaint Number** E153/24/2006 - 24/2005/037
2. **Location of Site** Chestnut Farm, Helland
3. **Names of Owners** Mr B Webber
4. **Names of Occupiers** Unoccupied

5. **Nature of Contravention**

Unauthorised opening in gable wall.

6. **Planning History**

24/2004/026 - Conversion of barn to dwelling, the erection of an ancillary garage, construction of a new vehicular access and change of use of outbuilding to domestic garage for the existing farmhouse at Chestnut Farm, Helland, North Curry. Planning permission granted on 6 August, 2004.

24/2005/037 - Conversion of barn into a 5 bedroomed two storey dwelling with detached double garage at Chestnut Farm, Helland as amended by plans 003D received 11 October, 2005 including a first floor extension and the insertion of a half glazed door on the end gable facing the rear of the existing farmhouse. Permission refused 13 October, 2005. Reasons:- Barn conversion involves significant extension and alterations and this would materially alter the character of the barn. The proposed extended curtilage is considered to be excessive and likely to result in a detrimental change in the character of this rural area. Appeal dismissed 27 November, 2006.

24/2005/065 - Retention of private double garage to the north of Chestnut Farm barn conversion, Helland, North Curry. Permission refused 24 March, 2006. Reason:- The height of the garage is considered excessive and no longer subsidiary in relation to the adjacent barn conversions and will thereby have a detrimental impact on the visual amenity and character of the barn. Appeal dismissed 27 November, 2006.

7. **Reasons for taking Action**

The glazed door and panels in the south elevation are approximately 6 m away from the rear of the existing farmhouse. A difference in ground floor levels leaves the door at a higher level that results in direct overlooking that is considered detrimental to the privacy and amenity of the occupiers of the farmhouse.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice to secure blocking up of glazed door and panels and prosecution proceedings subject to satisfactory evidence that the notice is not complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: North Curry

1. **File/Complaint Number** E153/24/2006 – 24/2005/065
2. **Location of Site** Chestnut Farm, Helland, North Curry
3. **Names of Owners** Mr B Webber
4. **Names of Occupiers** Unoccupied

5. **Nature of Contravention**

New garage not built in accordance with approved plans.

6. **Planning History**

24/2004/026 - Conversion of barn to dwelling, the erection of an ancillary garage, construction of a new vehicular access and change of use of outbuilding to domestic garage for the existing farmhouse at Chestnut Farm, Helland, North Curry. Planning permission granted on 6 August, 2004.

24/2005/037 - Conversion of barn into a 5 bed roomed two storey dwelling with detached double garage at Chestnut Farm, Helland as amended by plans 003D received 11 October, 2005. Permission refused 13 October, 2005. Reasons:- Barn conversion involves significant extension and alterations and this would materially alter the character of the barn. The proposed extended curtilage is considered to be excessive and likely to result in a detrimental change in the character of this rural area. Appeal dismissed 27 November, 2006.

24/2005/065 - Retention of private double garage to the north of Chestnut Farm barn conversion, Helland, North Curry. Permission refused 24 March, 2006. Reason:- The height of the garage is considered excessive and no longer subsidiary in relation to the adjacent barn conversions and will thereby have a detrimental impact on the visual amenity and character of the barn. Appeal dismissed 27 November, 2006.

7. **Reasons for taking Action**

The height of the garage is considered excessive and no longer subsidiary in relation to the adjacent barn conversions and will thereby have a detrimental impact on the visual amenity and character of the barn contrary to Taunton Deane Local Plan Policies S1(D) and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice to secure reduction in height of garage to that approved and prosecution proceedings subject to satisfactory evidence that the notice is not complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E283/38/2006 - 38/2006/479
2. **Location of Site** Sherford Bridge Farm, Sherford Road, Taunton
3. **Names of Owners** A P and S M Parris and Son, Cutliffe Farm, Sherford, Taunton.
4. **Names of Occupiers** A P and S M Parris and Son, Cutliffe Farm, Sherford, Taunton

5. **Nature of Contravention**

Erection of agricultural workshop and machinery repair/store shed and the operation of a commercial vehicle valeting business

6. **Planning History**

A complaint was received on 31 August, 2006 that a firm of car valeters were operating from a building at Sherford Bridge Farm. A site visit was carried out and a number of cars and vans were seen at the premises. Some in the process of being cleaned. An operative was asked about the operation being carried out and he confirmed that both private vehicles and tractors were valeted at the premises. Further investigation found that planning permission was granted in 2000 for a replacement livestock building on the same site as the current building, however the original permission was for an open fronted timber clad structure and not a steel framed profile sheeted building as is currently on site. In view of this the owner was requested to apply for planning permission for the new building and to cease the car valeting business being conducted at the site.

An application was submitted and subsequently refused under delegated powers on 22 January, 2007. Despite this, it is understood that there is still an element of car valeting being carried out at the property

7. **Reasons for taking Action**

The development increases the risk of flooding by obstructing the conveyance of flood flows entering the floodplain area and reduces the volume of floodplain storage available for this watercourse. This could result in greater depths along the access track corridor and to the neighbouring properties thus potentially increasing the risk of flooding for third parties. In accordance with PPS25 the site lies within Flood Zone 3b a functional floodplain and no development other than water compatible use/essential infrastructure should be permitted. The development is also considered contrary to Taunton Deane Local Plan Policy EN28 which seeks to locate development on land with little or no risk of flooding.

8. Recommendation

The Solicitor to the Council be authorised to commence enforcement action to secure both the removal of the building and the vehicle valeting business. To commence prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

Planning Committee – 14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E289/38/2006 – 38/2006/581LB
2. **Location of Site** Former Wheeltappers, Station Road, Taunton.
3. **Names of Owners** Peter Hartnell Ltd
4. **Names of Occupiers** Unknown
5. **Nature of Contravention**

Erection of a satellite dish.

6. **Planning History**

The satellite dish was brought to the Councils attention in September 2006. The owner was contacted and an application was submitted and subsequently refused under delegated powers on 29 January, 2007.

7. **Reasons for taking Action**

The satellite dish by, reason of its prominent siting and appearance, would appear an obtrusive feature detrimental to the character and appearance of a Grade II Listed Building. As such the development would be contrary to the provisions of Taunton Deane Local Plan Policies Policy S1, S2, EN16 and EN17 and Somerset & Exmoor National Park Joint Structure Plan Policy 9 and STR1 and guidance contained within PPG15 - Planning and the Historic Environment in respect of works relating to listed buildings .

8. **Recommendation**

The Solicitor to the Council be authorised to serve listed building enforcement notice and to take prosecution action for the unauthorised works in connection with the installation of the dish.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 14 December, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Wellington

1. **File/Complaint Number** E391/43/2006
2. **Location of Site** Drakes Lodge, Taunton Road, Wellington
3. **Names of Owners** Mr Handly
4. **Names of Occupiers** Unoccupied
5. **Nature of Contravention**

Various works.

6. **Planning History**

The above property was first brought to the Councils attention when it was offered for sale in early December 2006 by Wilkie May and Tuckwood. A site visit was made by the Conservation Officer and it was established that most of the windows and external doors had been replaced with uPVC. The owner, Mr Handly was contacted and advised that listed building consent was required for the works that had been carried out. Mr Handly said he was unaware that the property was listed and would look into the matter. In January 2007 a sold sign appeared at the site and the Estate agent Wilkie May and Tuckwood was again contacted. From this Mr Handly contacted the Conservation Officer and arrangements have been made for a site visit to take place to establish the full extent of the unauthorised works.

7. **Reasons for taking Action**

The uPVC double glazed units, plastic doors (factory made standard) are of poor quality and poor detailing. The non-traditional materials and detailing appearance are harmful to the character of the historic building and counter to national policy guidance. The works are harmful due to:- (1) materials are non-traditional/modern; (2) design is standard/out of keeping/fake glazing bars; (3) double glazing is non traditional of alien appearance and detailing (i.e. silver spacing strips/depth/reflection).

The property is a Grade II Listed where the works carried out are contrary to Somerset and Exmoor National Park Structure Plan Policy 9 and Taunton Deane Local Plan Policy EN 17 and National Guidance PPG15 (i.e. C.49.C.50).

8. **Recommendation**

The Solicitor to the Council be authorised to commence listed building enforcement action for the unauthorised works and Prosecution Action in respect of the carrying out of these unauthorised works.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 14 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Bishops Lydeard

1. **File/Complaint Number** E278/06/2006
2. **Location of Site** Unit 8, Broadgauge Business Park, Bishops Lydeard
3. **Names of Owners** Mr P Strickland
4. **Names of Occupiers** Mr P Strickland
5. **Nature of Contravention**

Advance signs on highway verge.

6. **Planning History**

A complaint was received that a number of advance signs were displayed advertising the Farm Shop operating from Unit 8, Broadgauge Business Park. The signs are located on Deane Road, Cotford St Luke and on the A358 at the junction with the B3224 at Combe Florey.

The owner was contacted on 28 September 2006 and informed the signs required advertisement consent. No application was forthcoming so a reminder letter was sent on 24 November 2006. To date no application has been received and the signs continue to be displayed.

7. **Reasons for taking Action**

It is considered that the location of the signs although not positioned on highway land have a distracting effect on road users. The sign on Deane Road also appears as an intrusive element in the street scene and detrimental to the visual amenities of the area.

8. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution action to secure the removal of the signs.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479