



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 13TH JUNE 2007 AT 17:00.

(RESERVE DATE : MONDAY 18TH JUNE 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 23 May 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. Staplegrove - 34/2007/012 Report item
Residential development to provide 145 dwellings together with infrastructure and associated works, land adjacent to Silk Mills Lane, Staplegrove.
6. Taunton - 38/2007/070 Report item
Erection of five storey building comprising 65 Category II Sheltered Apartments for older people together with communal facilities, guest suite, Estate Manager's office over two retail units, a Class A3 cafe/restaurant with outside terrace and covered parking area, spectator stands and groundsman's store at land adjacent to West Stand and Coal Orchard Car Park, Somerset County Cricket Club, Taunton.
7. COTHELSTONE - 13/2007/002
ERECTION OF TWO STOREY EXTENSION TO REAR AT REDWOOD COTTAGE, CUSHUISH, COTHELSTONE
8. DURSTON - 16/2007/001
ERECTION OF AGRICULTURAL BUILDINGS AND FORMATION OF ACCESS TRACK AND YARD ON LAND EAST OF CURRY LANE, HIGHER DURSTON
9. STAPLEGROVE - 34/2007/013
REVISED APPLICATION (34/2006/038 & 34/2006/023) TO SUBDIVIDE PROPERTY TO CREATE TWO DWELLINGS AT CALYPSO, RECTORY CLOSE, STAPLEGROVE.
10. TAUNTON - 38/2007/131
ALTERATION TO RAISE TIMBER CLADDING ON SOUTH, EAST

AND WEST ELEVATIONS AT 2ND, 3RD AND 4TH FLOOR LEVELS
AND ALTERATIONS TO 2 UPPER LEVELS TO MULTI STOREY CAR
PARK AT TAUNTON AND SOMERSET HOSPITAL, MUSGROVE
PARK, TAUNTON AS AMENDED BY LETTER DATED 1ST JUNE,
2007 AND PLANS

11. TAUNTON - 38/2007/165
CONVERSION OF DWELLING TO TWO FLATS AT 10 SALISBURY
STREET, TAUNTON
12. WEST BUCKLAND - 46/2006/032
RETENTION OF COVERED DISPLAY AREAS AND ANCILLARY
USES ASSOCIATED WITH GARDEN CENTRE AT BLACKDOWN
GARDEN CENTRE, PICCADILLY, WELLINGTON.
13. E4/05/2006 and 05/2007/011 - Retention of external extraction ducting Enforcement item
at China Capital, 87 Mountway Road, Bishops Hull, Taunton.

G P DYKE
Democratic Services Manager
08 June 2007

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

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Critchard

Councillor Denington

Councillor Floyd

Councillor Henley

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Woolley



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:



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

Planning Committee – 23 May 2007

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Critchard, Denington, Floyd, Henley, C Hill, Mrs Hill, Miss James, McMahon, Mrs Smith, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Woolley

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 (Principal Planning Officer), Mrs J M Jackson (Senior Solicitor), Ms M Casey (Planning and Litigation Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillor Coles, Councillors Govier and Mrs Wilson in relation to application No 43/2007/026, Councillor Beaven in relation to application No 06/2007/012 and Councillor Hayward in respect of application No 25/2007/003.

(The meeting commenced at 5.00 pm)

59. Appointment of Chairman

RESOLVED that Councillor Mrs Hill be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

60. Appointment of Vice-Chairman

RESOLVED that Councillor Mrs Allgrove be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

61. Apology/Substitution

Apology:- Councillor House.

Substitution:- Councillor Mrs Whitmarsh for Councillor House.

62. Minutes

The minutes of the meeting held on 18 April 2007 were taken as read and were signed.

63. Declarations of Interest

Councillor Mrs Allgrove declared a personal interest as a member of the Civic Society. Councillor Coles declared a personal interest as a member of Somerset County Cricket Club. Councillor C Hill declared a personal interest as he knew the owner of Hunters Cottage, Hemyock Place, Monument Hill, Wellington. Councillor Mrs Whitmarsh declared a personal interest as a member of the Wiveliscombe Town Hall Trust.

Councillors Bowrah and Critchard informed the Committee that although they had previously made public comments in relation to application No 43/2007/026 (so “fettering their discretions”) they had been advised that as Wellington Ward Councillors they could still speak at the meeting.

Councillor D Wedderkopp informed the Committee that although he had previously made public comments in relation to application No 38/2007/094 (so “fettering his discretion”) he had been advised that as one of the Ward Councillors he could still speak at the meeting.

64. Applications for Planning Permission

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

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

06/2007/012

Erection of 2.5 storey building to provide accommodation for commercial/community use on ground floor (A1, A3, D1, accommodation agency, accountant and tax advisor, bank, building society, Citizens Advice Bureau, charitable and voluntary organisation, employment agency, estate agent, financial advisor, fitness centre, gymnasium, health centre, launderette, Social Services Centre, solicitor, taxi business, Tourist Information Centre, travel agent), basement multi-use apartment (residential, self contained office (B1) use or commercial use as part of the ground floor use) and 12 single bedroom apartments on first and second floors and one single bedroom apartment in basement at land adjacent to Rogers Walk, Cotford St Luke.

Conditions

- (a) Any variation to the appearance of the ground floor and basement doors and windows shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The area allocated for vehicular and cycle parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and cycles in connection with the development hereby approved;
- (c) 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;
- (d) The ground floor and basement of the building shall be used for the uses applied for and for no other purpose.

(Notes to applicant:- (1) Applicants attention is drawn to the conditions of planning permission No 06/1994/018 which must be complied with before development commences; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) Applicant was advised that soakaways should be provided in accordance with Building Research Digest 365. If ground conditions are found not to favour the use of soakaways, then some form of on-site surface attenuation system will have to be installed with a limit to its discharge. In such circumstances the Council's Drainage Officer should be contacted at an early stage; (8) N051B – health and safety; (9) Applicant was advised that an existing street lighting unit adjacent to the cycle path may need to be re-located. You are advised to contact the Highway Lighting Manager; (10) Applicant was advised that the site currently does not have a direct connection onto the publicly maintained highway; (11) Applicant was requested to ensure that deliveries to the proposed commercial/community units, including refuse collections, should not be in vehicle movements across the cycle path.)

Reason for approving detailed plans:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and provided for commercial use of the site in the interests of the local community and was therefore considered acceptable.

Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1, S2, H1 and EC15.

- (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:-

20/2007/010

Conversion of building into two units for holiday lets (revision to 20/2006/026) at Swallows Barn, Parsonage Lane, Kingston St Mary.

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as indicated in the application form, as amended by e-mail dated 23 October 2006, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings;
- (d) P001 – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P006 – no fencing;
- (g) Conditions 05 and 06 of planning permission 20/2000/025 shall only be considered to be removed in the event that the building is occupied as holiday lets and does not revert to office use.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation.)

Reason for granting planning permission:-

The building was adequately screened and the proposal was not considered to be harmful to the landscape and had good access to the highway network. The visual and residential amenity of the area would not be detrimentally affected and therefore the proposal was compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

21/2007/009

Demolition of skittle alley and erection of dwelling at the Martlett Inn, Langford Budville.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C416 – details of size, position and materials of meter boxes;
- (d) P001A – no extensions;
- (e) C215 – walls and fences;
- (f) C201 – landscaping;
- (g) P011 – no further windows on the north-west elevation;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or other use whatsoever.

(Notes to applicant:- (1) Applicant was advised to discuss the requirements of the landscaping scheme with the Council's Landscape Officer; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised to contact Wessex Water to ascertain whether there is a public sewer crossing the site. Public sewerage apparatus is covered by a statutory easement and no new building or similar works will normally be allowed within a minimum 3m of this apparatus.)

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and M4 and material considerations did not indicate otherwise.

25/2007/003

Erection of an attached dwelling on land adjacent to 12 Manor Park, Norton Fitzwarren.

Conditions

- (a) C001A – time limit;

- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) No windows, other than those shown on the plan(s) hereby approved, shall be constructed in the wall of the building which faces the eastern boundary with Brookside View without the prior written consent of the Local Planning Authority;
- (e) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no addition or extension to the dwelling nor any garage unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (f) There shall be no construction work within 3m of any Wessex Water sewer which crosses the site, unless prior agreement is reached in writing with the Local Planning Authority. Details of any diversion or protection works shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of any works on site;
- (g) The area allocated for parking on the submitted plan, drawing No 06.90.02, shall be properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the said parking spaces shall remain as parking spaces and no garage/car port shall be erected on the approved site.

(Notes to applicant:- (1) Applicant was advised that the development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage; (2) Applicant was advised that according to Wessex Water records, there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed; (3) Applicant was advised to protect the integrity of Wessex systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (4) Applicant was advised that with respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (5) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (6) Applicant was advised that the surface water soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (7) Applicant was informed that as there was already a large tarmac area in front of No12, the demolition of the garage and workshop would increase this much further. Applicant was therefore requested to break up this area in some way either with planting and/or using different hard surfaces.)

Reason for granting planning permission:-

It was considered that the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2, H2 and M4 without detriment to the amenities of the neighbourhood and without harm to the character of the area.

38/2007/111

Erection of single storey extension, 72 Whitmore Road, Taunton.

Conditions

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

Reason for granting planning permission:-

The proposed single storey extension would have no material impact on neighbouring amenity and complied with Taunton Deane Local Plan Policy H17.

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

23/2006/044

Erection of dwelling on land adjacent to Queensmead, Silver Street, Milverton (re-submission of 23/2006/030).

Reason

The proposed dwelling, by reason of its size and relationship with adjacent properties, would be out of scale and character with nearby buildings and detract from the visual amenities of the area. Furthermore, the proposed dwelling is considered over-bearing in relation to adjoining properties, thereby causing loss of outlook to their occupiers to an unreasonable degree.

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

The Committee felt that the proposed dwelling would be too large, over-bearing and out of character with the locality.

- 65. Demolition of pavilions, stands and subsidiary accommodation on south side of ground and erection of cricket school, pavilion, seating stand and 16 flats with commercial ground floor use to St James Street/Priory Avenue, Taunton (38/2007/025)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to secure an off-site contribution towards recreation and children's play facilities of £859

- per one bed unit and £1785 per two bed plus unit (index linked); and
- (2) The receipt of no further representations raising new issues on the amended plans by 24 May 2007, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
- (a) C001 – time limit;
 - (b) C101 – materials;
 - (c) Details of a sample panel of the brickwork including the structure and colour of the mortar to be used shall be constructed on the site, for approval in writing by the Local Planning Authority, prior to the construction of the cricket school or flats commencing and the agreed panel shall be used as a template for the wall construction thereafter;
 - (d) C201 – landscaping;
 - (e) C671 – making good building after demolition of adjoining structure;
 - (f) Details of the ground floor shop frontages onto St James Street/Priory Avenue shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
 - (g) Prior to the new stand being brought into use, the applicant shall provide a Green Travel Plan which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented as agreed in writing;
 - (h) Details of any exterior public art to be provided on the external brickwork shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
 - (i) Development shall not commence until the extant riverside flood defence has been raised to provide flood protection to the 1:100 year standard with an allowance for climate change and freeboard, as identified in the A2 Flood Risk Assessment, Section 5.3. Details of the design and phasing of the uprating works to the flood defences shall be submitted to, and approved in writing by, the Local Planning Authority before implementation;
 - (j) Minimum finished ground floor levels, excluding the “concourse” must be no lower than set at 16.43m AOD;
 - (k) Construction shall not commence to those areas of the development set below 16.43m AOD until the details of flood resistance, resilience and evacuation have been submitted to, and approved in writing by, the Local Planning Authority;
 - (l) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works 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;
 - (m) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All

filling points, vents, gauges and sight glasses must be located with the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (n) The foul drainage must be connected to the public sewerage system;
- (o) The foul drainage shall be kept separate from clean surface and roof water;
- (p) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
- (q) Details of the new green roof system to the cricket school and flats shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter so maintained for a minimum period of five years;
- (r) C910B – archaeological programme;
- (s) Details of the provision of bin storage areas shall be provided prior to construction commencing and thereafter provided prior to occupation of the flats;
- (t) Details of external vehicular or pedestrian gates to the ground shall be submitted to, and approved in writing by, the Local Planning Authority prior to being erected;
- (u) Details and samples of the materials to be used for the surfaces of the footpaths, access and parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (v) Details of the external finish to any electrical substation enclosure shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection and shall thereafter be carried out as agreed;
- (w) C331 – provision of cycle parking;
- (x) C911 – aerials – combined system;
- (y) Details of the making good of the end of the old cricket school following demolition of the Ondaatje Pavilion shall be submitted to, and approved in writing by, the Local Planning Authority prior to demolition;
- (z) Prior to demolition of the timber pavilions on site, enquiries shall be made through the Sports Services Manager over the potential re-use of the buildings for other sport clubs in the District;
- (aa) The access illustrated on the amended plan shall be provided prior to occupation of the flats or the new stand being brought into use whichever is the sooner;
- (bb) Details of the size of timbers and spacing and external finish of the timber screen to the rear of the stand shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection and thereafter erected as agreed;
- (cc) Details of the external finish to the timber screens on the flats shall be

submitted to, and approved in writing by, the Local Planning Authority prior to their installation;

- (dd) The timber screens on the east elevation of the flats shall be fixed and details of the finish, size of timber and sign shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter erected as agreed.

(Notes to applicant:- (1) Applicant was advised that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings should be provided to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. 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 and compounds and the control and removal of spoil and wastes; (2) Applicant was advised that the proposed development appears to lie over the culverted watercourse, the Stockwell Stream which is supplied from the Black Brook. The route of the Stockwell Stream is unclear from the submitted information but the Environment Agency believes that it should be determined and the condition of the culvert investigated. The Environment Agency normally objects to any development, which lies on top of a culverted watercourse. The responsibility for maintaining the watercourse normally rests with the riparian owner. The Environment Agency also looks for opportunities to break out culverts where this is possible provided that the culvert or its habitat is not of ecological or historic interest; (3) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the duty of care and the Waste Management Licensing Regulations 1994; (4) Applicant was advised that the Environment Agency owns the land along the back of the cricket club site adjoining the River Tone. Any developments of the site involving the Environment Agency's land will require easements to be granted; (5) Applicant was advised that water mains installed should be of sufficient size to permit installation of hydrants to British Standards. If it is proposed to carry out the burning of materials following demolition, you are requested to notify the Somerset Fire and Rescue Service at least 48 hours before commencement so that the appropriate Fire Station may be made aware of this burning.)

Reason for planning permission, if granted:-

The proposed development was on a site within the settlement limits where re-development would enhance the facilities of the County Cricket Club and provide housing and was considered to accord with Taunton Deane Local Plan Policies S1, S2, H2, C4, M4, EN16 and T33.

- 66. Erection of two storey building comprising 8 No flats with associated communal areas, bicycle parking and bin storage at former Rowbarton Adult School, Harcourt Street, Taunton (38/2007/094).**

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to the provision of leisure and recreation contributions, the Development 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) C201 – landscaping;
- (d) Windows on the first floor east elevation other than the kitchen shall be glazed with obscure glass and thereafter so maintained;
- (e) Notwithstanding the submitted drawings, details of the siting and design of the cycle and bin storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and thereafter shall be constructed as agreed;
- (f) C416 – details of size, position and materials of meter boxes;
- (g) Details of the colour finish to new railings shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter be carried out as agreed;
- (h) C911 – aerials – combined system;
- (i) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority in writing before the building is occupied. The agreed details shall be fully implemented before the building is occupied.

(Note to applicant:- Applicant was advised that concern has been raised concerning asbestos shards on site and you should therefore comply with health and safety and waste management legislation including the Duty of Care Regulations 1991, Special Waste Regulations 1996 and Waste Management Licensing Regulations 1994. All contaminated materials should be cleared from the site.)

Reason for planning permission, if granted:-

The development was considered not to harm the amenity and privacy of neighbours and was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and C4.

- 67. Erection of Medical Centre with attached services, including car parks, external works and landscaping and formation of access to Mantle Street, land to south and west of 112B Mantle Street (part of Trinity Farm), Wellington (43/2007/026).**

Reported this application.

RESOLVED that subject to:-

- (i) The views of the Secretary of State under the Departure Procedures;
- (ii) The receipt of no further representations raising new issues on the amended plans by 5 June 2007; and

(iii) The receipt of no adverse views from Wessex Water, the Development 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) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C208E – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C210 – no felling or lopping;
- (h) C215 – walls and fences;
- (i) C246 – landscape completion check;
- (j) C247 – temporary site building and storage compound;
- (k) The development hereby permitted shall not be commenced 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, in particular Great Crested Newts, Badgers, breeding birds and bats and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The proposed methods shall be informed by up to date surveys;
- (l) C304 – access point;
- (m) Before any development hereby permitted is commenced, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority;
- (n) C324 – parking;
- (o) C917 – services – underground;
- (p) Prior to the commencement of development, details of the arrangements to be made for the disposal of surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (q) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
- (r) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (s) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. 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 shall be located above ground

- and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (t) No development approved by this permission shall be commenced until details of the use, handling or storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992 has been submitted to, and approved in writing by, the Local Planning Authority;
 - (u) Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

(Notes to applicant:- (1) N118A – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N117 – crime prevention; (5) N051B – health and safety; (6) N052 – fire safety; (7) Applicant was advised that in accordance with the highway works set out on the submitted plan, a Section 278 Agreement will need to be entered into with the County Highway Authority incorporating the provision of double yellow “no waiting at any time” lines between the adjacent access to the east and Trinity Close to the west; (8) With regard to condition (p), applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 and results should be forwarded for agreement before any works commence on site due to the probability that the ground is not suitable. If tests prove that soakaways are not suitable, then means of disposal will have to be investigated and any such means will require on site attenuation of flows before final discharge; (9) Applicant was advised that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings should be provided to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. 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 and compounds and the control and removal of spoil and wastes; (10) Applicant was advised that foul drainage should be kept separate from the clear surface roof water and connected to the public sewerage system after conferring with the sewage undertaking as indicated in the planning application. (11) Applicant was advised that the Environment Agency welcomes the opportunity to consider the findings of the proposed site investigation/design work in due course. With regard to a Sustainable Urban Drainage System (SUDS), it is recommended that specific guidance is employed to maximise pollutant removal and groundwater protection; (12) Applicant was asked to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should ensure that any activity undertaken on the application site (regardless of the need for planning consent, must comply with the appropriate wildlife legislation.)

Reason for planning permission, if granted:-

A site of suitable size was unlikely to become available for the proposed development within the settlement limits in the foreseeable future and therefore an exception to the normal “strict control” of new development in the open countryside in accordance with Taunton Deane Local Plan Policy S7

was considered to be appropriate in the interests of community provision. Furthermore, it was not considered that the integrity of the green wedge, Taunton Deane Local Plan Policy EN13, within which the site lies would be adversely affected by the proposed development.

68. Erection of four holiday chalets, Quantock Roses, West Bagborough (45/2006/025)

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans reducing the depth of the plinth and deleting the masonry chimney, the Development 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) Prior to work commencing on site, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C201 – landscaping;
- (e) Prior to any work commencing on site, a detailed Hedgerow Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) C412 – restriction of occupation for holiday lets in permanent buildings;
- (g) Any holiday let cabin 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;
- (h) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. Any lighting shall be installed in a manner which ensures that no light source is visible from the surrounding Area of Outstanding Natural Beauty. Within four weeks of commissioning, the developer shall carry out any modification to the light that may be necessary.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure. It should be noted that attenuation of flows may be required; (3) Applicant was advised to consider the use of energy saving methods (for example solar gain) to heat the swimming pools.)

Reason for planning permission, if granted:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and was therefore compliant with Taunton Deane Local Plan Policy EC24.

69. Taunton Deane Borough (Kingston St Mary No 1) Tree Preservation Order 2007

Reported that a Tree Preservation Order had recently been made in respect of four roadside Oak trees and one Ash tree on the Tetton Estate, west of Quantock Way, Kingston St Mary.

An objection had been received from the manager of the Tetton Estate who was also one of the three trustees of the Estate, details of which were submitted. Also reported the views of the Development Manager, an independent tree specialist, the Manager of the Quantock Hills Area of Outstanding Natural Beauty and Somerset County Council's Arboraculturalist.

The general view was that two of the trees, T2 (Ash) and T3 (Oak) should be omitted from the Tree Preservation Order due to the extent of decay within the trees and the nature of the bank on which they were growing. It was felt however that the other three trees which had undergone either crown reduction or pollarding should be retained and managed as the works undertaken had greatly reduced the risk of these trees falling.

RESOLVED that:-

- (1) The Tree Preservation Order be modified to omit trees T2 (Ash) and T3 (Oak) and confirmed to include the other three Oak trees;
- (2) The Order be reviewed after 12 months following assessment of the reponse of the trees to the pollarding and crown reduction work; and
- (3) A further inspection of one of the Oak trees (T1) be carried out to accurately measure the extent of internal decay within the tree.

70. Hunters Cottage, Hemyock Place, Monument Hill, Wellington

Reported that in July 2000, an enforcement notice had been served requiring the removal of two unauthorised windows at Hunters Cottage, Hemyock Place, Monument Hill, Wellington and the facing off of a wall which formed a boundary with the adjacent property, Hemyock Place.

Unfortunately the owner of Hunters Cottage had been unable to reach agreement with his neighbour to enter onto his land to carry out the required works.

Noted that prosecution action by the Council against the owner of Hunters Cottage for non-compliance with the enforcement notice had failed as the Magistrates Court had felt that the conditions imposed by the owner of Hemyock Place in respect of entering onto his land were unreasonable.

The works had therefore remained undone and a form or fence had been erected at Hemyock Place to “hide” the unfinished wall.

Further reported that Hunters Cottage had recently been placed on the market and the outstanding enforcement notice had had an adverse impact on the potential sale price of the property. Solicitors acting for the owner of Hunters Cottage had therefore written to ask the Council to:-

- Withdraw the enforcement notice to enable the property to be sold unencumbered; or
- To carry out works itself to Hunters Cottage under the provisions of the Town and Country Planning Act and to recover the costs from the owner.

It was clear that the enforcement notice was not being complied with as a consequence of a dispute between the two neighbours.

As the owner of Hemyock Place had indicated that he might be prepared to allow a new owner of Hunters Cottage access to face off the wall, it was felt the Council should not become involved in what was a “civil matter”.

RESOLVED that no further action be taken at the present time either in respect of taking direct action or withdrawing the enforcement notice relating to Hunters Cottage.

71. Occupied caravans/motor home sited on land adjacent to Paddocks, Bickenhall, Taunton

Reported that it had been brought to the Council’s attention that mobile homes and a motor home positioned on land adjacent to Paddocks, Bickenhall were being occupied without planning permission as separate units of accommodation.

The owner had claimed that the use of the land for this purpose had been continuous for more than ten years and that he intended to submit an application for a Certificate of Lawfulness to regularise the situation. To date, no such application had been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the unauthorised use of the land adjacent to Paddocks, Bickenhall for the stationing of mobile homes and the motor home used for residential purposes; 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.

72. Construction of a sand arena at Fairfield Stables, Churchinford, Taunton

Reported that it had been brought to the Council's attention that an arena/manège had been constructed at Fairfield Stables, Churchinford without planning permission.

The owners of the stables had subsequently applied for planning permission but this had been refused.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised sand arena which had been constructed at Fairfield Stables, Churchinford; 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.

73. Provision of a large satellite dish in the rear garden of 14 Thames Drive, Taunton

Reported that it had been brought to the Council's attention that a large satellite dish, well in excess of the permitted 90 cm allowed, had been erected in the rear garden of 14 Thames Drive, Taunton.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised satellite dish from the rear garden of 14 Thames Drive, Taunton; 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.

74. Unauthorised erection of a "replacement" covered walkway to the rear of the Co-Operative Group store, 9 The Square, Wiveliscombe

Reference Minute No 4(2)/2002, reported that the Committee had previously authorised prosecution and listed building enforcement action in respect of an unauthorised covered walkway to the rear of the Co-Operative Group store at 9 The Square, Wiveliscombe.

Shortly after this decision was taken, a local community group (now the Wiveliscombe Town Hall Trust) expressed interest in the re-use of the first floor of the Town Hall.

As such a re-use would require a second escape route to the rear, temporary planning permission to retain the unauthorised covered walkway was granted to allow the Co-Operative Group and the community to prepare a joint scheme for an acceptable further escape route. Prosecution and listed building enforcement action was therefore placed in abeyance.

Reported that the temporary permission had expired in November 2005 and, since then, very little progress had been made towards resolving the current situation relating to the unauthorised walkway.

The Committee was informed that since publication of the agenda solicitors acting on behalf of the Co-Operative Group had written to confirm that urgent consideration was being given to this matter and that planning and listed building applications for the construction of an extension to the rear of the store in Wiveliscombe would be submitted within six weeks.

RESOLVED that in light of the letter received from the solicitors acting on behalf of the Co-Operative Group, progression of the authorised prosecution and listed building enforcement action be held for six months to allow for progress to be made on the owners development proposals.

(The meeting ended at 10.22 pm).

34/2007/012

ABBAY MANOR HOMES

RESIDENTIAL DEVELOPMENT TO PROVIDE 145 DWELLINGS TOGETHER WITH INFRASTRUCTURE AND ASSOCIATED WORKS, LAND ADJACENT TO SILK MILLS LANE, STAPLEGROVE, AS AMENDED BY LETTER DATED 16TH APRIL 2007 WITH ACCOMPANYING DRAWING NO. 1180/300B AND LETTER DATED 1ST JUNE, 2007 WITH ACCOMPANYING FLOOD RISK ASSESSMENT AND DRAWING NOS. 1180/100/REV B AND 101/REV B

320685/126182

OUTLINE

1.0 **RECOMMENDATION**

Subject to:-

- (i) the receipt of further wildlife surveys and the further views of the Nature Conservation Officer, including any additional conditions;
- (ii) the receipt of further information on archaeological remains and the further views of the County Archaeologist, including any additional conditions;
- (iii) the views of the Environmental Health Officer, County Highways and County Education including any conditions and Section 106 Agreement heads they may request;
- (iv) the further views of the Environment Agency and Drainage Officer following the receipt of the Flood Risk Assessment, including any further conditions they may request;
- (v) the conclusion of a Section 106 Agreement to secure:-
 - (a) 35% of the units to be affordable housing, of which 50% are to be social rented, 25% shared ownership and 25% low cost outright purchase; and
 - (b) the contribution of £1,750 per dwelling with 2 or more bedrooms to fund additional children's play provision on open space close by and a capital sum per dwelling for the improvement of existing nearby sports pitch facilities. Both these sums to be index linked to building costs; and
 - (c) the provision of a 10 m wide landscape buffer zone to the Silk Mills Lane frontage with a further 5 m depth with no buildings;

the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

Permission be GRANTED subject to the following conditions:-

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Within a period of 3 years from the date of this permission, 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.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 03 Within a period of 3 years from the date of this permission, and before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 04 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 04 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 05 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 05 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 06 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

- 07 (i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. (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 as may be approved in writing by the Local Planning Authority.
- 07 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.
- 08 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.
- 08 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.
- 09 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 2005); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 09 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 10 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: 2005. 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 9 and detailed in figures 2 and 3 of B.S.5837:2005.

- 10 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.
- 11 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.
- 11 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.
- 12 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.
- 12 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.
- 13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 13 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.
- 14 The existing hedge(s) on the boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority.
- 14 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.
- 15 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 15 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.
- 16 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.

- 16 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.
- 17 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 17 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 18 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 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 access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 There shall be no vehicular access to the site other than from Silk Mills Lane.
- 21 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 The visibility splays shown on the submitted 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.
- 22 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 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 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.
- 24 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).
- 25 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.
- 25 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).
- 26 The site shall be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.
- 26 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 27 Only clean uncontaminated surface water from roofs and untrafficked paved areas shall be discharged to any soakaway.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings 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.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 29 Oil or chemical storage facilities shall be sited in bunded areas. The capacity of the bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There shall be no working connections outside the bunded area.
- 29 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).

- 30 Details of the diversion of high and low voltage electricity lines and cables on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 30 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.
- 31 Details of any ground mounted electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority.
- 31 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

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 You are reminded that the submitted layout plan is for illustrative purposes only.
- 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 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.
- 05 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.
- 06 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.
- 07 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station 01278 363414 for further advice.
- 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 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 You are advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

- 11 With regard to Condition 02, you should have regard to the attached 'Guidance Notes for Developers on Surface Water Drainage Issues - Somerset Version', which should be used to design the system and to accommodate flows from events up to and including the 1 in 100 year event allowing for climate change.
- 12 It is strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/code for sust homes.pdf](http://www.planningportal.gov.uk/uploads/code%20for%20sust%20homes.pdf) for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation. Running costs of the building are also reduced.
- 13 During construction the following comments apply:- (i) 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. (ii) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (iii) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Agency must be advised if a discharge to a watercourse is proposed. (iv) Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- 14 The Environment Agency must be notified immediately of any incident likely to cause pollution.
- 15 All waste produced during the development of the site must be disposed of at a suitably licensed waste management facility, if it is not to be reused on site.
- 16 If construction and demolition waste is to be brought onto site for the development, an exemption from waste management licensing must be applied for.
- 17 You are advised to contact Wessex Water Developers Services to see if any of the on-site drainage systems can be adopted under a Section 104 Agreement.
- 18 The following advice is given in regard to fire safety:- 1. Means of Escape:- (i) 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. (ii) The travel distance from Flats 1, 6, 7 & 12 appear to be at the maximum length as specified in B1 2.20 Diagram 7. (iii) It is noted that the protected staircase discharges into a vehicle access area and information is required on how road vehicles will be prevented from blocking this entrance/exit. 2. Fire

Resistance:- (i) The different purpose groups (Commercial and Residential) should be separated by fire resisting construction as defined in ADB Table A1 minimum of 60 minutes. (ii) The doors from the flats and opening into the staircase enclosure should be of 30 minute fire resisting construction. 3. Access for Appliances:- (i) Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 4. Water Supplies: - (i) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

REASON(S) FOR RECOMMENDATION:- The site is allocated for residential development in the Taunton Deane Local Plan and it is considered that the proposed development will be in compliance with Taunton Deane Local Plan Policies H1 and T13.

Should the Section 106 Agreement not be completed by 22nd June, 2007, the Development Manger in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED as contrary to Taunton Deane Local Plan Policies H9, H10, C4 and T13 or an additional condition be added requiring the applicant to enter into a Section106 Agreement prior to the commencement of development.

2.0 **APPLICANT**

Abbey Manor Homes

3.0 **SITE**

The application site is located east of Silk Mills Lane, close to its junction with the A358, which runs to the north of the site. The site is currently vacant grazing land. Silk Mills Lane and the A358 define the site to the west and north. High density residential development abuts the site to the south, whilst lower density residential development defines the eastern boundary. The site extends to 2.63 ha. There are also three pairs of semi-detached houses and associated gardens and outbuildings on Mill Rise to the east of the application.

4.0 **PROPOSAL**

The proposal provides for residential development with infrastructure and associated works. A total of 145 units is proposed in the amended plans (the initially submitted proposals provided for 152 dwellings) , being a mix of house types and 1 and 2 bed apartments. The site is allocated for residential development in the Taunton Deane Local Plan.

Access to the development will be from a designated right hand turn lane from Silk Mills Lane.

The following documents were submitted with the planning application:- Design and Access Statement, Noise Report, Drainage Statement, Ecological Assessment, Traffic Impact Assessment and Landscape Assessment, Mitigation and Proposals.

5.0 **PLANNING HISTORY**

34/1990/005 Residential development on land east of Silk Mills Lane, Staplegrove. Outline application refused May 1990. Subsequent appeal withdrawn prior to consideration.

34/2006/024 Residential development to provide 152 dwelling together with infrastructure and associated works, land adjacent to Silk Mills Lane, Staplegrove. Application withdrawn prior to determination.

6.0 **RELEVANT CENTRAL GOVERNMENT 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 27 Delivering Sustainable Development – General Approach

Paragraphs 33 – 39 Design

Planning Policy Statement 3 – Housing (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 25 – 26 Market Housing

Paragraphs 27 – 30 Affordable Housing

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 48 Good design is fundamental to using land efficiently. Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area.

Paragraph 50 Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

Paragraph 69 In general, in deciding planning applications, Local Planning Authorities should have regard to:

- 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 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

Central Government guidance on the use of planning agreements and obligations is contained in Circular 5/2005. In particular, the Circular states that planning obligations should be sought only when they are:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

Planning Policy Guidance Note 16 – Archaeology and Planning (PPG16)

Paragraph 12 The key to informed and reasonable planning decisions, as emphasised in paragraphs 19 and 20, is for

consideration to be given early, before formal planning applications are made, to the question whether archaeological remains exist on a site where development is planned and the implications for the development proposal. When important remains are known to exist or when archaeologists have good reason to believe that important remains exist, developers will be able to help by preparing sympathetic designs using, for example, foundations which avoid disturbing the remains altogether or minimise damage by raising ground levels under a proposed new structure, or by the careful siting of landscaped or open areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future even though they remain inaccessible for the time being.

Paragraph 18

The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled. Developers and local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process. Where local planning authorities are aware of a real and specific threat to a known archaeological site as a result of the potential exercise of permitted development rights (as set out in Schedule 2 to the Town and Country Planning General Development Order 1988) they may wish to consider the use of their powers under Article 4 of that Order to withdraw those rights and to require specific planning permission to be obtained before development can proceed. Most such directions require the Secretary of State's approval, either before they come into effect or within six months of being made, unless they relate solely to a listed building. Further advice on the use of Article 4 Directions is given in Appendix D to DOE Circular 22/88.

Paragraph 21 – 22

Where early discussions with local planning authorities or the developer's own research indicate that important archaeological remains may exist, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. This sort of evaluation is quite distinct from full archaeological excavation. It is normally a rapid and inexpensive operation, involving ground survey and small-scale trial trenching, but it should be carried out by a professionally qualified archaeological organisation or archaeologist. The Institute of Field Archaeologists (see

Annex 1 for address), publishes a Directory of members, which developers may wish to consult. Evaluations of this kind help to define the character and extent of the archaeological remains that exist in the area of a proposed development, and thus indicate the weight which ought to be attached to their preservation. They also provide information useful for identifying potential options for minimising or avoiding damage. On this basis, an informed and reasonable planning decision can be taken.

Paragraph 22 Local planning authorities can expect developers to provide the results of such assessments and evaluations as part of their application for sites where there is a good reason to believe there are remains of archaeological importance. If developers are not prepared to do so voluntarily, the planning authority may wish to consider whether it would be appropriate to direct the applicant to supply further information under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and if necessary authorities will need to consider refusing permission for proposals which are inadequately documented. In some circumstances a formal Environmental Assessment may be necessary. For further details see Annex 3, paragraphs 21 and 22.

Paragraphs 27 – 28 Planning Decisions

Paragraphs 29 – 30 Planning Conditions

Planning Policy Guidance Note 24 – Planning and Noise (PPG24)

Paragraphs 8 – 9 Noise Exposure Categories for Residential Development

Paragraph 12 Noise-sensitive Development

Paragraph 13 Measures to Mitigate the Impact of Noise

7.0 RELEVANT PLANNING POLICIES

RPG 10 – Regional Planning Guidance for the South West

Policy VIS 1 Expressing the Vision

Policy VIS 2: Principles for Future Development

Local Authorities in their development plans and other agencies in their plans, policies and programmes, should:

- seek the development of suitable previously developed urban land (or buildings for re-use or conversion) and other appropriate sites in urban areas as a first priority for urban-related land uses; authorities and all agencies involved should examine critically the potential of the urban areas to accommodate new development;
- seek a balance of land uses in urban localities:
 - † by promoting mixed-use development and, where sites are smaller, through complementary land allocations over a wider urban area;
 - † including a mix of housing types, retail, business and commercial development, industry, education, social and cultural facilities, leisure, sport, recreation and open space uses;
- ensure that land is used efficiently in both urban and rural locations, with well designed development taking place at as high a density as possible commensurate with a good living and working environment, and by carrying out a rigorous reappraisal of policies on development in order to achieve increasing density, ensure good design and reduce parking requirements;
- make adequate provision for all land uses, including those with large space requirements, the development needs of new or expanding firms and those unable to be accommodated within urban areas;
- meet the economic and social needs of rural communities;
- promote the provision and enhancement of networks for walking, cycling and public transport and ensure that development which generates large amounts of movement is well served by sustainable transport networks;
- conserve and enhance environmental assets and promote a good quality of design, including good building design, quality landscape and urban spaces and a mixture of complementary uses;
- reduce and minimise flood risk to people and properties and take fully into account issues of water supply and treatment infrastructure.

Policy SS5 Principal Urban Areas

Policy SS14 Taunton

Policy EN1 Landscape and Biodiversity

Policy EN4 Quality in the Built Environment

Policy HO3 Affordable Housing

Policy HO6 Mix of Housing Types and Densities

In order to promote strong and stable communities, local authorities, social housing providers, developers and other agencies should make appropriate provision for a wide mix of types of housing and tenure options which reflect local conditions, including:

- meeting the housing requirements of the whole community, including those in need of affordable and special needs housing;
- providing wider housing opportunity and choice and a better mix in the size, type and location of housing seek to create mixed communities;
- using local materials and vernacular in the design of housing, in order to contribute to countryside and settlement character and sense of place.

Development plans should make more efficient use of land by encouraging housing developments at higher net densities than have been achieved in the past i.e. averaging around 30 –50 dwellings per hectare across the region, with significantly higher densities on urban sites, especially those close to town-centres and transport nodes. It will be particularly important to ensure that proposals for higher density development ensure that a high quality of design is sought and achieved.

Policy TRAN 1 Reducing the Need to Travel

Policy TRAN 3 The Urban Area

Policy TRAN 5 Deemed Management

Policy TRAN 10 Walking, Cycling and Public Transport

Draft Regional Spatial Strategy for the South West 2006 – 2026

Development Policy A Development at the Strategically Significant Cities and Towns (SSCTs)

Development Policy E High Quality Design

Policies SR20 and 21 Taunton and Bridgwater Spatial Strategy

Policy TR1 Demand Management and Public Transport in the SSCT's

Policy H1 Affordable Housing

Policy H2 Housing Densities

Housing developments should exceed 30 dwellings per hectare (dph) in all parts of the region and averages across housing market areas will be in excess of 40 dph over the plan period. Density of development of housing at the SSCTs should be at least 50 dph and considerably higher in well-planned mixed-use developments within the existing urban area. Planned urban extensions of SSCTs and adjacent new communities should achieve 50 dph or more overall. Individual LDDs will reflect this target with appropriate variations reflecting local conditions and will outline measures to ensure regular monitoring of delivery.

Policy ENV 1 Protecting and Enhancing the Region's Natural and Historic Environment

Policy ENV 2 Landscape Character Areas

Policy ENV 4 Nature Conservation

Policy RE5 Renewable Energy and New Development

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 1 Nature Conservation

Policy 33 Provision for Housing

Policy 35 Affordable Housing

Policy 39 Transport and Development

Policy 42 Walking

Policy 44 Cycling

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- (B) 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;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

S2 Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;
- (F) minimise adverse impact on the environment, and existing land uses likely to be affected;
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site;
- (I) subject to negotiation with developers, incorporate public art; and
- (J) include measures to promote energy efficiency.

H1 Planning and Monitoring of Housing Development

H9 Affordable Housing Within General Market Housing

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:

Site Name	Policy Reference	Indicative Target
...		
East of Silk Mills	T13	35%
...		

H19 Designing Out Crime

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.

M5 Cycling

M6 Traffic Calming

- C1 New housing development which generates a significant need for statutory education provision (for children aged 4-16) will be permitted provided that:
- (A) existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development; or
 - (B) new permanent provision within a reasonable distance necessary to accommodate the additional need generated by the development is:
 - (i) firmly programmed in the Local Education Authority capital programme; or
 - (ii) provided by the development.
- C4 In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:
- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
 - (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
 - (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
 - (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
 - (E) developers will be required to arrange for maintenance of the recreational open space.
- EN3 Local Wildlife and Geological Interests
- EN4 Wildlife in Buildings to be Converted or Demolished
- EN5 Development which would harm protected species will not be permitted unless:

- (A) conditions and/or planning obligations would prevent such harm;
- (B) other material factors are sufficient to override the importance of the species; and
- (C) every possible effort is made to minimise ill effects on wildlife.

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN9 The planting and positive management of native broadleaved trees will be sought where this would benefit wildlife, enhance the landscape or a public view, provide screening or compensate for loss of trees in the locality.

EN12 Landscape Character Areas

EN23 Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined.

Where evaluation is considered to justify designation of an archaeological site of national or county importance, policies EN21 or EN22 will apply, otherwise, if it is decided that development is to be allowed, developers must provide for an adequate watching brief.

EN28 Development and Flood Risk

T13 A site of 3.6 hectares east of Silk Mills Lane as shown on the Proposals Map is allocated for a minimum of 80 dwellings, provided that:

- (A) vehicular access to the site is gained only via Silk Mills Lane;
- (B) a landscaped acoustic buffer zone to Silk Mills Lane is provided; and
- (C) flood mitigation measures are provided, to be implemented prior to the commencement of the development.

In association with the development, the following will be sought:

- (D) localised improvements to the cycle network, including links to and along Bindon Road;
- (E) affordable housing in accordance with policies H9 and H10; and
- (F) contributions towards educational provision in accordance with policy C1.

8.0 **CONSULTATIONS**

County Highway Authority

Views awaited.

County Archaeologist

“The proposal is on a greenfield site adjacent to earlier investigations which have shown prehistoric remains (including waterlogged wood and environmental evidence such as pollen etc). Its location on a raised area next to the original (prehistoric) course of the Tone means it has the potential for prehistoric occupation similar to that found during the construction of the Park and Ride. However, at present the proposal does not include any information on the potential for remains.

For this reason I recommend that the applicant be asked to provide further information on any ecological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.”

Environment Agency

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

The flood risk assessment (FRA) does not adequately consider the flood risk. The applicant has therefore failed to demonstrate that the flood risks resulting from this development can be safely managed.

In particular the FRA does not contain a clear statement regarding the following areas:-

1. 'Individual plot soakaways' are not appropriate as the system cannot be managed. We advise that a single attenuation facility is required for the site, with greenfield rate run-off.
2. Highway drainage should also attenuate on site. As the Back stream can currently flood part of the site (overflow of Silk Mills Road) the attenuation ponds must be oversized to cater for the time that the ponds cannot discharge.

We advise that the illustrative layout plan should demonstrate where on site attenuation will be situated (including appropriate sizing) before suitable grampian conditions can be imposed.

We advise that the applicant review the St Modwin (Arup) flood study for the adjacent Norton Fitzwarren development which demonstrates flood risk to the Back Stream.

In addition to this objection we will also require further information on the following areas:-

The applicant refers to using the watercourse on the other side of the Silk Mills Road to deal with surface water and has included this within the "red line".

Unfortunately there is:-

(a) no detail of what works are proposed. This watercourse is connected with the Back Stream with its own culvert under the A358.

(b) no ecological study of the watercourse and assessment of the effect of the proposed work.

Should the Agency's objection to the proposals subsequently be overcome the Agency would seek the application of the following conditions/recommendations.

CONDITION: The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

REASON: To prevent the pollution of the water environment.

CONDITION: Wessex Water should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

REASON: To prevent the pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: Only clean uncontaminated surface water from roofs and untrafficked paved areas should be discharged to any soakaway.

REASON: To prevent the pollution of the water environment.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings 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 the pollution of the water environment.

CONDITION: Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

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/Agent.

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

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.

We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/code for sust homes.pdf](http://www.planningportal.gov.uk/uploads/code%20for%20sust%20homes.pdf) for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing.

In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation. Running costs of the building are also reduced.

During construction the following comments apply:-

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.

Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

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

All waste produced during the development of the site must be disposed of at a suitably licensed waste management facility, if it is not to be reused on site.

If construction and demolition waste is to be brought onto site for the development, an exemption from waste management licensing must be applied for.”

Further work is being carried out by the applicant’s consultants on this aspect of the proposal.

Wessex Water

“Foul Drainage

Nearest point of adequacy is the 300 mm sewer some 530 m to the east in Staplegrove Road. This would almost certainly have to be a pumped connection.

Surface Water Drainage

Surface water is to discharge to the land drainage system with the consent of Taunton Deane Borough Council/Environment Agency who, no doubt, will impose a maximum rate of discharge.

Adoption

In line with Government protocol the applicant is advised to contact Developers Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Wessex Water, Developers 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 adequacy of the existing water mains.”

Education Officer

Views awaited.

Avon & Somerset Constabulary

- “• All communal and public open space should be located and designed to allow good natural surveillance.
- An estate layout using semi-private designs incorporating real or symbolic barriers, defined entrances or change in road surface/texture can improve defensible space and contribute to crime reduction.
- Dwellings should be arranged in small clusters with a good mix of dwelling types to be occupied at different times of the day thereby allowing community interaction/control and improve ownership.
- There is a need to obtain a balance between security and the permeability of the estate but casual non-resident intrusion should be discouraged by restricting access to defined routes and minimising estate 'through routes', so limiting access and escape routes for criminals.
- Proposed footpaths/cyclepaths should be direct, open to good surveillance from dwellings, without oppressive landscaping, have motor vehicle restrictions and be well illuminated so reducing opportunities for anti-social behaviour and reducing fear of crime.
- Alleyways/lanes at the rear/side of dwellings are generally not recommended as the majority of dwelling burglaries occur via the rear. If such lanes are necessary e.g. for refuse collection, they should be gated.
- Defined open or low boundary fences should allow for the casual surveillance of dwelling frontages and ensure defensible space.
- Rear/side garden areas should be provided with 1.8 m high boundary fencing which gives security and allows residents privacy.
- Additional height fencing/suitable toppings e.g. trellis may be required at vulnerable rear/side garden areas of dwellings which back onto footpaths, open space etc as these are more accessible to criminals.
- All external public areas should have lighting which complies with BS 5489 as a minimum, to give residents increased security and reduce the fear of crime. The design and siting of lighting columns should be such that they do not provide climbing aides.
- Suitable lockable gates, minimum height 1.8 m, together with fencing of the same height should be fitted as near as possible to the front 'building line' of the dwellings.
- Landscaping design using trees and other features which give criminals climbing aides should be avoided. Landscaping should not restrict opportunities for natural surveillance and can be used to restrict unauthorised access.

- Planting should have a maximum growth height of 1m and trees a clear trunk height of 2 m from ground level to allow for resident surveillance.
- All service meters should be located externally at the front of the dwellings, reducing the need for dwelling entry by officials and is particularly helpful where the occupants are elderly.
- When possible, car parking should be provided within the dwelling curtilage, preferably in a garage. Communal parking areas must be small, well lit and within the view of residents.
- Public footpaths located to the rear of dwellings are generally not recommended. It is essential that all footways have straight routes and are well illuminated.
- The provision for clear naming and numbering of dwellings is essential to facilitate the Emergency Services and reduce the opportunities for bogus persons to gain entry into dwellings.
- The applicant is advised to formulate all physical design measures in accordance with the ACPO Secured By Design award scheme.”

Devon & Somerset Fire & Rescue Service

“1. Means of Escape

- 1.1 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.
- 1.2 The travel distance from Flats 1, 6, 7 & 12 appear to be at the maximum length as specified in B1 2.20 Diagram 7.
- 1.3 It is noted that the protected staircase discharges into a vehicle access area and information is required on how road vehicles will be prevented from blocking this entrance/exit.

2. Fire Resistance

- 2.1 The different purpose groups (Commercial and Residential) should be separated by fire resisting construction as defined in ADB Table A1 minimum of 60 minutes.
- 2.2 The doors from the flats and opening into the staircase enclosure should be of 30 minute fire resisting construction.

3. Access for Appliances

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

4. Water Supplies

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

Western Power Distribution

“The development would require the deviation of high and low voltage electricity lines and cables before it could progress, it would also require the establishing of a ground mounted substation to supply a development of 152 properties.”

Landscape Officer

“I am happy that the landscape survey and assessment has been carried out thoroughly and that the 10 m landscape roadside buffer will help to reduce any wider impacts. However, I am concerned that, with buildings ‘hard’ up to the buffer it will not be possible to plant many larger growing trees. These will be essential if the mitigation is to be effective.

1. The access drive leave little room for landscape setting with no space for tree planting.
2. Will there be space for play areas?
3. Who will maintain the landscape butter areas?

Given the extra space allowed between the buffer planting, in the north west and south west corners, and proposed buildings there should be sufficient space for larger growing trees. “

Nature Conservation & Reserves Officer

Further to Entran's Ecological Assessment I support the need for further information on bats, barn owls and slow worms. I advise that the results of survey work should be submitted to the LPA before determination. Further survey work required:

An emergence bat survey should be done in May and identify if bats are using the buildings.

Survey to establish if barn owls are using the buildings.
Survey for slow worms - can be started now

I also support the report recommendations for a landscape strategy to include the retention of hedgerows (including the management of elm hedgerows) and mature trees on site and the promotion of wildlife gardens and areas designated for wildlife planting

The results of surveys will inform conditions”

Forward Plan

“As this resubmission of 34/2006/024 is very similar to that application the majority of my comments on it still apply. A copy is attached.

Although the proposal continues to be for outline permission, the accompanying 'concept masterplan' has been amended in one significant respect, which is the incorporation of a 10 metre landscape buffer to Silk Mills Lane as required by criterion (B) of TDLP policy T13. It is for others to assess whether what is proposed provides adequate levels of landscaping and noise attenuation.”

The following was the consultation response application 34/2006/024:-

“As the site is allocated for residential development in the Taunton Deane Local Plan (Policy T13) the proposal is acceptable in principle.

In terms of policy issues I have the following comments:-

The application site does not include the whole of the site allocated for development in the Local Plan, as it excludes the curtilages of the existing properties on Mill Rise. Whilst this will result in the site not being comprehensively developed at this time, as the part excluded is a relatively small part of the whole and is already occupied by dwellings, I do not consider this to be a fundamental issue. However, in order to ensure that any future development is compatible with the current proposal, the masterplan should demonstrate how this could be achieved.

Although this is an outline application, the submitted masterplan does not provide the landscaped buffer to Silk Mills Lane required by criterion (B) of policy T13. This is an important issue, as such a buffer is required to 'green' this important approach to the town and also to mitigate the impact of the significant traffic flows on the road on the adjoining housing.

To ensure a satisfactory and safe development it is also important that criteria (A) and CC) – (F) are complied with to the satisfaction of the appropriate officers or bodies.”

Environmental Health Officer

Views awaited.

Drainage Officer

“I refer to the Drainage Statement dated July 06 submitted with this application and make the following comments:-

I note that for domestic properties soakaways are the preferred method of surface water treatment. These should be constructed in accordance with

Building Research Digest 365 (September 1991) and made a condition of any approval.

With regards to highway drainage an attenuation system is proposed prior to final discharge to the Back Stream. The system chosen should be installed on site and not as proposed on adjacent land to the west. I therefore enclose a copy of our Guidance Notes for Developers on Surface Water Drainage Issues – Somerset Version which should be used to design the system and to accommodate flows from events up to and including the 1 in 10 year event allowing for climate change.

No works should commence onsite until a satisfactory and approved system of surface water disposed agreed and this should be made a condition of any approval should it be given. “

Housing Officer

“I would like to support this application and in doing so would be looking for 35% affordable housing. This would equate to 53 affordable homes on the current numbers. Should the overall number increase then I would want 35% of total numbers.

There would need to be careful thought on the mix starting with 50% rented, 25% shared ownership and 25% low cost outright purchase. Providing all types of housing from 1 bed flats to 4 or 5 bedroom houses.”

Leisure Development Manager

“GENERAL

Adequate provision for play, open space and outdoor sport/activity must be made for the residents of a development of this scale in order to provide activity and play opportunities for the children and young people who will live there and to ensure that the development is a safe and pleasant place to live. Policy C4 in the Local Plan sets this out in detail.

The suggestion that the landscape buffer along Silk Mills Road should be counted as part of the open space provision is not acceptable as it will have no recreational value being close planted with trees and shrubs and close to an extremely busy road.

CHILDREN'S PLAY

The development as proposed must contribute a capital sum per family dwelling (2 or more bedrooms) to fund additional children's play provision on open spaces close by.

There is a small open space at Showell Park with children's play facilities which is within the required walking distance of this development. The range of play equipment on this site could be increased to reflect the additional usage by the youngest children from this development.

Showell Park open space is not suitable for older children's facilities and "hang-out" space due to its small size and the close proximity of houses. The Hudson Way open space, adjacent to the primary school, may be capable of accommodating facilities for this age group.

However, the access to both of these sites from this development may not be safe for children and the developer should be required to undertake a safety audit of the access from the site to these open spaces and to fund any works required to secure safe access. This must be in addition to the capital sum per family dwelling. If safe access cannot be secured, the development should make provision for play and open space on-site.

PLAYING FIELDS

Policy C4 also requires playing fields to be provided on new developments. Due to the size of this development, a capital sum per dwelling will be required for improving existing sports pitch facilities. This sum should be index linked to building costs."

Staplegrave Parish Council

"You will know that the planning brief given in the Taunton Deane Local Plan, November 2004, page 129, that changed this site from a long-standing Green Wedge to being suitable for housing stated 'that the sloping site is very prominent and currently provides an attractive approach to Taunton'. It spoke in terms of about 80 dwellings being appropriate and provided in an area protected by a landscaped acoustic buffer zone, 'to maintain in part a green approach especially when viewed in association with the protected open space to the west of Silk Mills Lane'.

In the event, even after our public meeting, the developers have taken scant notice of this or of the other views of the people most affected. True, they have just about managed to squeeze in a 10 m wide landscape bank between the back of Silk Mills Lane footway and the 1.0 m wide footpath placed immediately up against the massive 3 and 2.5 storey 'Perimeter Blocks', but they are still shoehorning in the 152 units of the earlier proposal, in what is now a reduced area because of the buffer zone. Presumably this has been achieved by increasing the number of overhigh buildings. But this landscaped bank is not fenced off and is indeed included in the (only?) recreational area provided for the site and hence, there is little chance of the planting and trees being able to establish themselves.

This is very much a rural site but in their supporting documentation the developers repeatedly claim their plans are based on 'urban design objectives, a high-density urban scheme, and which creates a strong urban form'. This is not what the original planning brief stipulates.

The Parish Council consider this proposal for 152 dwelling in 2.5 and 3 storey buildings to be totally out of keeping with the area and grossly in excess of what was intended for this key site and formally ask for the decision to be delayed until a meeting can be arranged with the Chairman of the Planning

Committee and the Planning Officer for Taunton Deane so that a much more appropriate solution can be found. Needless to say, once approval is given we are stuck with the results for a lifetime.”

The following further comments have also been received:-

“As I said in my earlier letter, the Parish Council accepted, albeit reluctantly, that the green wedge site could become suitable for housing but subject to the design parameters laid down on page 129 of the Taunton Deane Local Plan, November 2004. These were expressed in terms of 80 dwellings on the full 3.63 hectares of the site.

While we were reassured by the insistence on the inclusion of the landscaped acoustic buffer zone which became apparent at our public meeting, we were greatly alarmed by your saying that you did not think that 152 dwellings was excessive. However, we did expect this number to be reduced to take account of the area of land occupied by the 10 m wide landscaped buffer but the resubmitted application was still for 152 dwellings. This can only be achieved with an even greater number of 2.5 and 3 storey buildings.

Furthermore, the new application showed that the required landscaped buffer zone was to be the (only?) recreational area for the site and hence very unlikely to be allowed to develop properly. Moreover, as the developer is seeking permission to build on only three-quarters of the site, the appropriate housing density according to the design brief would be 58 dwellings, not 80

We should be very grateful therefore to be given the opportunity to discuss with the new Planning Committee whether these requirements in the local plan have been changed, and if so, when, and how it can be that a developer can think it appropriate to provide a high-density urban scheme based on 152 dwellings in strong urban form perimeter blocks to satisfy these design parameters laid down only two and a half years ago. These parameters are to recognise that the sloping site is very prominent and currently provides an attractive approach to Taunton and any development should maintain in part a green approach especially when viewed in association with the protected open space to the west of Silk Mills Lane.”

Norton Fitzwarren Parish Council (neighbouring parish)

“The Parish Council have been asked for their comments on the above planning application by Staplegrove Parish Council and although it is not in our Parish the members feel it will significantly affect residents of Norton Fitzwarren.

The Parish Council therefore discussed this application at their recent meeting and would comment as follows:-

(1) The 152 dwellings planned for the site they consider as gross overdevelopment and completely out of keeping with the area. It is also noted that in addition two areas are earmarked for 'future development', the

maximum for the whole site should be 80 as detailed in the Local Plan and no further development should be allowed. This is a rural area and the site should not be referred to as urban development.

(2) The site is sloping and therefore the Council consider the 2 and a half and 3 storey dwellings completely inappropriate, and especially object to the three storey building at the front of the site facing the roundabout as this will ruin an otherwise attractive approach to Taunton.

(3) The impact on traffic flows along Silk Mills Road will be enormous when considering the volume of traffic that will also exit onto Silk Mills Road from the Matthew Clarke site and Taunton Trading Estate developments. Has a traffic audit been carried out to take this into consideration?

As there are serious concerns regarding this application the Parish Council request that it should not go before the Planning Committee until June at the earliest.”

9.0 **REPRESENTATIONS**

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

1. Area is already heavily congested with traffic, long delays being experienced daily on both Silk Mills Road and Staplegrove Road. Any development in this area would only add to the problem.
2. Creeping urbanisation and use of green field land for housing development.
3. The green belt separating Taunton from Norton Fitzwarren should be preserved.
4. Local services such as schools may be put under strain.
5. Loss of value of property.
6. Original proposal was for 80 dwellings – 152 is an unacceptable quantity.
7. Car parking at 150% is inadequate.
8. This should be a rural site and not a high density urban area.
9. Many of the proposed properties will house families with young children. No provision is made for suitable recreational facilities and the facilities between Nash Green/Showell Park and Darwin Close will be inadequate.
10. Land is agricultural land.

11. No noticeable change from the previous application.
12. None of previous concerns have been addressed.
13. Number of houses should be reduced to a realistic level.
14. Will potentially result in large groups of young people wandering around the urban area looking for somewhere to play, which will only lead to increased vandalism and other social problems.
15. Will turn the area into a brick jungle.
16. Site is elevated.
17. Three storey buildings will be a blot on the skyline.
18. A repeat of the new 'Obridge' development, which many people describe as looking like a prison, should be avoided.
19. No need when just across the road there will be hundreds more.
20. Social rented houses should be put down on Silk Mills Road, if at all.
21. Despite what applicants say, there are no playing fields nearby.
22. Overlooking of property.
23. Close density housing does not address the problem of being so much on top of each other, which leads to disharmony.
24. This is a quite area with many elderly people and it feels quite threatening.
25. Will cause more difficulties at the A358/Silk Mills roundabout.
26. There should be contributions from the developers towards improvements to local primary school and health care facilities.
27. Will result in more people walking up and down Darwin Close day and night.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with the Development Plan policies for the area? POLICY
- B. Is the proposed access to the site acceptable? ACCESS
- C. Will the proposed designs be appropriate for the site? DESIGN

- D. Is adequate parking provision made? PARKING
- E. Is the proposed development adequately landscaped? LANDSCAPING
- F. Will any wildlife on the site be adversely affected? WILDLIFE
- G. Is adequate protection from noise provided to the occupiers of the proposed dwellings? NOISE
- H. Is there adequate capacity at local schools? EDUCATION
- I. Is there adequate provision towards open space and children's play space? LEISURE
- J. Are appropriate amounts and types of affordable housing proposed? AFFORDABLE HOUSING
- K. Are provisions for drainage adequate? DRAINAGE
- L. Are appropriate levels of security proposed? SECURITY
- M. Is the proposed development sustainable? SUSTAINABILITY

A. Policy

The site is proposed for residential development as part of one of the Major Development sites in the Taunton Deane Local Plan (Policy T13). The Local Plan site also incorporates the area occupied by the 6 residential properties on Mill Rise to the east of the site.

The Local Plan notes that the sloping site is very prominent and currently provides an attractive green approach to Taunton as one drives south along Silk Mills Lane. Indeed it was formerly part of the Norton Fitzwarren Green Wedge, as identified in the earlier Taunton Local Plan. Whilst development of the site will 'suburbanise' this approach, the provision of a landscaped buffer to Silk Mills Lane will have the effect of maintaining, in part, a green approach, especially when viewed in association with the protected open space to the west of Silk Mills Lane. The buffer will also serve the purpose of protecting new dwellings from traffic noise generated along Silk Mills Lane. On purely landscape grounds, the Local Plan recommends that this buffer should be a minimum of 10 m.

The Forward Plan Officer raises no in principal objections to the proposal, commenting on the adequacy of the landscape buffer to Silk Mills Lane and the children's play provision.

An amended plans has been received that provides for a 10 m wide landscape buffer with a further 5 m with no building beyond that. It is

considered that this brings the proposal within the requirements of the Local Plan policy.

B. Access

A Transport Assessment was submitted with the planning application. This concludes that the proposed development will have negligible impact on the operation of the highway network in either 2008 or 2018. However, it is noted that with the introduction of the Taunton Northern Outer Relief Road, the junctions in this area will be over capacity in 2018 regardless of the proposed development.

Vehicular access to the site is proposed by means of a ghost island priority junction approximately 50 m south of the roundabout junction between Silk Mills Lane and the A358. The access arrangements for the development site will also serve the existing 6 dwellings on Mill Rise. These dwellings are currently accessed via the priority junction of Mill Rise and Silk Mills Lane to the south of the development site. However, it is considered that this access is narrow, has poor visibility and will interfere with the operation of the proposed signalised intersection of the Norton Fitzwarren Relief Road, Silk Mills Lane and Bindon Road. It is therefore proposed to close this access to vehicular traffic when the new development site access becomes available.

Access for pedestrians and cyclists will be via the vehicular access described above, but also via several pedestrian and cycle only access points. These are provided at the ends of cul-de-sacs on the north-south road through the site, giving access to the A358, Silk Mills Lane and Mill Rise.

On the A358 and Silk Mills Lane, there will be a 3 m wide shared footway and cycleway which will extend the entire length of the site boundary on these roads. At its southern end it will tie in with the recently introduced footway and cycleway which crosses the Silk Mills Bridge.

The Transport Assessment does not consider that the proposed development will contribute to accident frequency, location or type. It also concludes that the proposed development will have a negligible impact on the operation of the highway network.

The views of the County Highway Authority were awaited at the time of compiling this Report.

C. Design

The site slopes downwards towards Silk Mills Lane. A 'cut and fill' exercise is proposed in order to reduce to a minimum earth removal. The proposal consists of varying build heights of 1, 2, 2.5 and 3 storey units, using 'perimeter block' principles with parking and private spaces located in the centre. It is envisaged that the buildings will have a predominance of brick with some use of render on key buildings.

The application is in outline only and further details would be submitted at the Reserve Matters stage.

D. Parking

The scheme provides for a minimum of 150% car parking allocation, broadly on the basis of 1 space for each apartment unit and 2 spaces for each house. This is in line with Policy M4 of the Taunton Deane Local Plan which states that the Council will not permit more than an average of 1.5 parking spaces per dwelling on any residential development. It is also in line with Central Government Policy Guidance and standards set out in the regional planning documents.

E. Landscape

The site is currently very prominent and provides a green approach into Taunton. Consequently, one of the requirements of Taunton Deane Local Plan Policy T13 is the provision of a landscaped buffer zone to Silk Mills Lane.

A 10 m wide landscape buffer zone has been integrated into the proposed development in order to retain this green corridor into Taunton. This provides for earth mounding, a hedgebank and native tree planting to provide a dense visual screen, noise barrier and natural edge relating to the river floodplain and rural setting.

Policy T13 of the Taunton Deane Local Plan requires the provision of a 10 m wide landscaped buffer zone to Silk Mills Lane. In order to allow for tree spread, a distance of 5 m is proposed between the back of the highway and the proposed dwellings along Silk Mills Lane.

F. Wildlife

An Ecological Assessment Report was submitted with the application. No evidence of the presence of bats was noted during the habitat survey, although it was noted that one of the sheds could have the potential to support bats. The Report therefore recommends that the shed be thoroughly inspected for signs of a bat roost. Emergence surveys may also be required. No impacts to other protected animals are perceived.

Scrub habitat and potentially suitable basking habitat exists along the north-eastern boundary that may support common reptiles. There is a high potential for hibernating reptiles on the site. The Assessment Report therefore recommends that a reptile survey to determine the presence/absence of a population be undertaken to identify whether impacts to these species are likely to arise as a result of the proposed development. The information obtained from this exercise can be used to develop a suitable mitigation strategy, should a reptile population be found.

No impact on amphibians is perceived.

The hedgerows and trees on the site provide some opportunities for nesting and feeding birds. In addition, a record for a barn owl on the site exists. The Assessment Report concludes that provided removal or cutting back of nesting habitat such as hedgerow and trees is undertaken outside the bird nesting season, direct impact to birds nesting in hedgerows and trees would be avoided. To ensure that no breeding barn owls are disturbed, a survey of the outbuildings should be undertaken to identify evidence of use. If barn owl evidence is found in any of the outbuildings, then demolition and remediation works on these buildings should be restricted to the period October to March.

The Council's Nature Conservation Officer supports the need for further information on bats, barn owls and slow worms. These are under way and the recommendation reflects this.

G. Noise

Central Government policies on noise related planning issues are set out in PPG24. It gives guidance to planning authorities on the use of their planning powers to minimise the adverse impact of noise. Specifically it:-

- (i) outlines the considerations to be taken into account when determining planning applications for both noise sensitive developments and for those activities which will generate noise; and
- (ii) introduces the concept of Noise Exposure Categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise.

Policy T13(B) of the Taunton Deane Local Plan requires the provision of a landscaped acoustic buffer zone to Silk Mills Lane.

A Noise Report was submitted with the planning application. A noise survey was conducted at the boundary of the development site on the northern extent of the site immediately adjacent to road traffic sources. The site predominantly experiences noise from road traffic movements on the local road network.

The Government's policies on noise related planning issues are set out in PPG24, which gives guidance to planning authorities on the use of their powers to minimise the adverse impact of noise. The Noise Report sets out the measure that should be employed to mitigate against the noise levels experienced at the site.

PPG24 introduces the concept of Noise Exposure Categories (NEC) for residential development. The NEC B/C boundary falls 35 m from the nearside kerb and therefore the development site is contained predominantly within NEC Category B. PPG24 advised that within this category noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure that an adequate level of

protection against noise is provided. For development falling within Category C, PPG24 advises that planning permission should not normally be granted. It goes on to say that where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. The Noise Report recommends the provision of mechanical ventilation or acoustically treated air brick ventilation system to habitable rooms for any dwellings falling with Category C.

H. Education

One of the requirements of Taunton Deane Local Plan Policy T13 is a contribution towards educational provision in accordance with Policy C1. The increase in housing numbers in this area will lead to additional demand for education accommodation in the area. The text of the Local Plan notes that contributions will be sought towards education provision where this is necessary to accommodate the additional pupils in local schools.

The views of the County Education were awaited at the time of compiling this Report.

I. Leisure

Policy C4 of the Taunton Deane Local Plan requires developers to provide landscaped and appropriately equipped recreational open space as part of their developments.

In the submitted application, the applicants contend that the area would take up a considerable amount of space on a site which is already being constrained by the landscape buffer requirements. They therefore suggested that the landscape buffer forms part of the open space contribution and that the majority of the play space should be provided by enhancement of the existing playing fields and play areas nearby.

The use of the landscape buffer as part of the open space provision is not acceptable to the Leisure Development Manager as it will have no recreational value being close planted with trees and shrubs and close to an extremely busy road.

Developers will normally be expected to provide recreational open space on-site. However, the Local Plan does say that in some cases, on-site provision may not be desirable or feasible. In such circumstances, the additional demand for recreational open space arising from the development can be met in other ways. This may be through the improvement of existing facilities suitably located to meet the needs of the site, thus enabling them to accommodate additional usage.

The Leisure Development Manager has suggested this option in this instance and my recommendation reflects this accordingly.

J. Affordable Housing

The site is not considered to have unusual costs associated with it and is reasonably well located for employment, education and town centre facilities.

Accordingly, the scheme provides for 35% of the dwellings to be affordable. This provision will be split between 50% social rented and 50% intermediate housing, with the latter split 25% shared equity ownership and 25% low cost outright purchase.

The above is acceptable to the Housing Officer

K. Drainage

Policy T13 of the Taunton Deane Local Plan requires provision of flood mitigation measures prior to the commencement of the development. The site lies beyond the extent of any flood risk zone, but it is acknowledged that the flood risk zone to the Back Stream is within close proximity to the western boundary of the application site.

As submitted, domestic drainage was proposed to be dealt with by means of a fully sustainable drainage system that incorporates:-

- (i) individual plot soakaways;
- (ii) infiltration trenches; and
- (iii) collection points/rainwater butts, etc.

Highway drainage was proposed to be provided by a fully sealed system within adoptable areas, primarily new roads:-

- (i) to connect to the open ditch (tributary) of Back Stream on the western side of Silk Mills Lane;
- (ii) to provide widening etc to the existing ditch to support additional storage for the increased run-off; and
- (iii) to provide storage to support 1 in100 year event plus 20% global warming.

The Environment Agency considers that the individual plot soakaways are inappropriate and that highway drainage should be attenuated on site. The Council's Drainage Officer also raises concerns with regard to the highway drainage. The applicants are reconsidering these aspects of the proposal.

L. Security

Although the application is only in outline, the submission promotes Secured by Design principles by introducing good surveillance to both public and private areas, ensuring all areas are adequately lit, designing out escape routes and providing security design measures within the residential units.

The applicants confirm that the Police Architectural Liaison Officer's comments have been addressed where possible at this stage and will be fully realised through the detailed design stage.

M. Sustainability

The proposed dwellings will be energy efficient, with high levels of insulation to the floors, walls and roof space. There will be double glazing to all windows and external doors. Carefully designed economic and efficient central heating systems with high efficiency boilers and heating controls will be provided. Where possible, all principal rooms will face south or west and benefit from maximum passive solar energy and low energy lighting is to be used. Low water use appliances, both sanitary and kitchen, are to be utilised, as well as showers to be fitted to all bathrooms/en-suites. Rainwater butts are to be provided where possible to encourage water conservation.

The properties are to be constructed with the provision of a sustainable land drainage system to deal with surface water drainage where possible.

The site benefits from good public transport links to a range of employment and leisure opportunities and provision for pedestrian and cyclists is to be provided as part of the development.

12.0 CONCLUSION

The site is allocated for residential development in the Taunton Deane Local Plan. Policy T13 of the Plan proposes a minimum of 80 dwellings provided that certain criteria are met. Although the application is in outline only, sufficient background information has been submitted to demonstrate that with densities currently advocated in government policy guidance, the site is capable of accommodating the 146 dwellings proposed. The submission has been amended to provide the necessary 10 m wide landscaped buffer zone, along with an adjacent 'no build' area to ensure that appropriate tree species can be provided within the belt and still allow adequate growing room.

A number of consultation responses remain outstanding at the date of compiling this report and my recommendation reflects this. A Section 106 Agreement is also recommended to secure the provision of 45% of the dwellings to be affordable together with contributions towards off site recreation provision.

My recommendation is therefore a favourable one.

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

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ERECTION OF FIVE STOREY BUILDING COMPRISING 65 CATEGORY II SHELTERED APARTMENTS FOR OLDER PEOPLE TOGETHER WITH COMMUNAL FACILITIES, GUEST SUITE, ESTATE MANAGERS OFFICE OVER TWO RETAIL UNITS, A CLASS A3 CAFE/RESTAURANT WITH OUTSIDE TERRACE AND COVERED PARKING AREA, SPECTATOR STANDS AND GROUNDSMAN'S STORE AT LAND ADJACENT TO WEST STAND AND COAL ORCHARD CAR PARK, SOMERSET COUNTY CRICKET CLUB, TAUNTON

1.0 RECOMMENDATION

Subject to the provision of a Section 106 Agreement to secure a limit to the age range of occupants of the elderly persons flats and a contribution towards the provision of a sum to secure the landscaping of Somerset Square the Development Manager in consultation with the Chair/Vice Chair be authorised to determine 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 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, 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 Details and samples of the materials to be used for the surfaces of the access road, turning area, terrace and square, shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policies S1(D) and S2(A).
- 05 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 05 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 06 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 06 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy C15.
- 07 The ground levels of the development must be set to minimum of 16.14 m AOD and the finished floor levels of the mixed-use development at 16.44 m AOD.
- 07 Reason: To protect the development from flooding in accordance with Taunton Deane Local Plan Policy EN28.
- 08 A strip of land 8 m wide adjacent to the top of the banks of the River Tone must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land and details of the final landscaped levels within this area shall be submitted to and approved in writing by the Local Planning Authority prior to landscaping commencing.
- 08 Reason: To preserve access to the watercourse for maintenance and improvement in accordance with Taunton Deane Local Plan Policy EN28.
- 09 No construction approved by this permission shall be commenced until a scheme for the provision and implementation of the flood defence improvements along the riverside boundary are raised as part of Phase 1. The defences must be raised to a minimum of 16.14 m AOD.
- 09 Reason: To mitigate against the risk of flooding in accordance with Taunton Deane Local Plan Policy EN28.
- 10 During construction no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority.

The scheme should include details of the following:- 1. Site Security; 2. Fuel oil storage, bunding, delivery and use, pollution incident containment; 3. How both minor and major spillage will be dealt with; 4. Containment of silt/soil contaminated run off; 5. Disposal of contaminated drainage, including water pumped from excavations; 6. Site induction for workforce highlighting pollution prevention and awareness; 7. Details of construction restriction zones e.g. rivers/working in/near water.

10 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN25.

11 Development hereby approved shall not commence until a Wildlife Plan, produced in conjunction with a construction Environmental Management Plan, has been submitted to and formally approved in writing by the Local Planning Authority.

11 Reason: To prevent disturbance of protected species and to protect and enhance the bio-diversity resources on the site in accordance with Taunton Deane Local Plan Policy EN5.

12 All lighting within the proposed public space shall be low level and directional to minimise light straying out the River Tone or its banks and details shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

12 Reason: To prevent disturbance of protected species and to protect and enhance the bio-diversity resources on the site in accordance with Taunton Deane Local Plan Policy EN5.

13 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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%. 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 and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

13 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN25.

14 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority.

14 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN25.

15 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

15 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN25.

- 16 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority. 1. A desk study identifying:- (i) all previous uses ; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors; (iv) potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.
- 16 Reason: To prevent pollution to the water environment in accordance with Taunton Deane Local Plan Policy EN25.
- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
- 17 Reason: In order to prevent contamination to the surrounding environment in accordance with Taunton Deane Local Plan Policy EN25.
- 18 Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 18 Reason: In order to prevent contamination to the surrounding environment in accordance with Taunton Deane Local Plan Policy EN25.
- 19 Detailed proposals for the disposal of surface water shall be submitted to, and approved by, the Local Planning Authority in writing before the commencement of development. The agreed details shall be fully implemented before the building is occupied.
- 19 Reason: To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Taunton Deane Local Plan Policy EN26.

- 20 Details of the exterior treatment to the parking area under the building shall be submitted to and approved in writing by the Local Planning Authority and carried out as agreed prior to the occupation of the building.
- 20 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 21 Prior to commencement of construction works details of the provision for vehicle turning and servicing of the Brewhouse site shall be submitted to and approved in writing by the Local Planning Authority and thereafter so provided.
- 21 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes to Applicant

- 01 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.
- 02 You are advised to contact Developer Services of Wessex Water to see if any of the on-site or off-site drainage systems can be adopted under a Section104 Agreement and to agree protection of any apparatus on site and connection to Wessex systems.
- 03 In respect of condition 10 invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented. For further information please contact Mathew Sully Environmental Management on 01278 484743.
- 04 The Wildlife Plan shall detail provision for and mitigation of protected and national bio-diversity action plan species, especially those known to use the corridor of the River Tone (See Ecological Assessment Larry Burrows). Further to the above the Wildlife plan shall include a maintenance scheme ensuring future bio-diversity of the site is maintained. For further information please contact Francis Farrcox (biodiversity) on 01278 484791.
- 05 With regard to condition 14 this scheme should include: drainage plans detailing the routes of both foul & surface water. Further to this the Environment Agency will need reassurance from Wessex Water that there is sufficient capacity within the existing sewerage infrastructure to cope with additional flows without risk of causing deterioration in effluent quality or increased river loading.
- 06 The supporting information for this application includes a geo-environmental assessment which highlights that potential contamination (particularly hydrocarbons) has been identified on site. The information included in the geo-environmental assessment is very limited and further investigation and risk assessment is warranted. The Environment Agency recommends that developers should:- 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. 2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled

- waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health. 3. For more information please refer to the Agency's website at: www.environment-agency.gov.uk .
- 07 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 m of the top of the bank of a designated 'main river'.
- 08 Exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will also be required and developers will need to contact us to apply for such activities.
- 09 Foul drainage to be kept separate from clean surface and roof water.
- 10 The Environment Agency has land ownership rights by the cricket grounds (please see attached map for an outline of our properties). For further information please contact the Estates department (Kelly Woodgate tel number 01392352448). They strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation. Running costs of the building are also reduced.
- 11 Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of publication 'Conserving Water in Buildings' is available upon request.
- 12 You are advised to contact the Doctor's Surgery to discuss alleviation of parking concerns during the construction phase.

REASON(S) FOR RECOMMENDATION:- The proposed development is on a site within the settlement limits where redevelopment will enhance the facilities of the County Cricket Club and provide housing and is considered to accord with Taunton Deane Local Plan Policies S1, S2, H2, H4, M4 and T33.

2.0 APPLICANT

Somerset County Cricket Club

3.0 PROPOSAL

The redevelopment of the Somerset County Cricket Club and of the County Ground remains a huge challenge, but one which is of vital importance if the Club is to provide itself with long term stability. Many of the current facilities

are too old and reaching the end of their natural life, the capacity is too small, and the Club are unable to make best use of the commercial advantage that the town centre location affords. Furthermore, the Club has the opportunity to lead Taunton into its own large-scale redevelopment, and provide a significant impact on the economy and standard of living in the South West.

With this in mind the Club have a clear objective for the redevelopment of the ground. The Club wish to ensure that the future of first class cricket is secured and maintained at Taunton and the south west of England. The existing cricket pitch dimensions and outfield are not satisfactory for international cricket and they need to be improved so that they are capable of holding one day international matches. In addition the Club are seeking to guarantee their first class status over the medium to long term and provide the home for England's women's cricket. In terms of ground capacity the permanent facilities need to be able to provide for 10,000 seats with an additional 5,000 temporary seats for major matches and events. The redevelopment of the facilities needs to be completed by 2009, after which future television sponsorship revenues are uncertain. The cricket ground needs to provide a multi use facility to benefit the town, the county and the region. It needs to provide access to the widest possible cross section of society.

The Phase 1 proposal consists of a 5 storey building of 65 sheltered apartments for older people together with a guest suite, estate manager's office and communal facilities, including a lounge and roof garden. Category II accommodation is designed for the needs of the elderly but not to provide care assistance and full wheelchair mobility standards. Below the flats a ground floor will consist of an A3 café/restaurant, two retail units and a covered parking area providing for 34 spaces and 3 battery car spaces. An external terrace will be provided leading out on to landscaped square while within the cricket ground a new spectator stand and groundsman's store will be constructed. This Phase of the development is seen as being the essential enabling development to facilitate further phases of the project.

4.0 THE SITE

The application site lies on the western side of the existing cricket ground and involves land that forms part of the Coal Orchard car park as well as the cricket ground itself. The cricket pitch lies to the east, the river to the north, the Brewhouse to the west and the St James Medical Centre to the south.

5.0 PLANNING HISTORY

There have been a number of applications over the years relating to the provision of new pavilions and refurbishment of the ground with improved facilities. The current vision for the site as part of Project Taunton involves considerable change over the existing situation. The one relevant application in relation to the current scheme that has been approved is as follows

38/2006/503 Demolition of a section of boundary wall to churchyard, change of use of land and erection of new stand and boundary wall at St James Church, St James Street, Taunton - Application approved.

6.0 CENTRAL GOVERNMENT PLANNING POLICY

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 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 25/26 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:-
- 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 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

Central Government guidance on the use of planning agreements and obligations is contained in Circular 5/2005. In particular, the Circular states that planning obligations should be sought only when they are:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

7.0 RELEVANT PLANNING POLICIES

RPG10 – Regional Planning Guidance for the South West

SS5 – Principal Urban Areas

EN3 – The Historic Environment,

EN4 – Quality in the Built Environment,

HO3 – Affordable Housing,

HO5 – Previously Developed Land and Buildings

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development,

STR4 – Development in Towns,

Policy 9 – The Built Historic Environment,

Policy 33 – Provision for Housing

Policy 35 – Affordable Housing

Policy 48 – Access and Parking,

Policy 49 – Transport Requirements for New Development

Taunton Deane Local Plan

S1 – General Requirements,

S2 Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;
- (F) minimise adverse impact on the environment, and existing land uses likely to be affected;
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site;
- (I) subject to negotiation with developers, incorporate public art; and
- (J) include measures to promote energy efficiency.

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.

H 4 - Self-contained Accommodation

H9 – Affordable Housing,

M3 and M4 – Parking,

C4 – Play and Recreation,

EN16 – Setting of Listed Buildings,

EN25 – The Water Environment

EN28 – Development and Flood Risk,

T33 Development which would detract from the distinct character and attractiveness of Taunton's skyline will not be permitted.

8.0 CONSULTATIONS

County Highway Authority

“There is no objection to the principle of the development proposed. I have looked at the traffic generation issues and consider that as the development replaces the public car park situated to the rear of the Brewhouse Theatre that it is very unlikely that the traffic generated by the development on the Local Highway network will be greater than the present situation. In detail there are two main areas of concern. The Highway Authority is aiming to improve the existing footway/cycleway alongside the River. The drawings are not particularly clear, but it appears that the new stands impinge on the existing

corridor. The footway/cycleway must be a minimum of 3 m, level and, if there is no restraint, 1 m away from the riverbank. It does not appear that this is available. Where the existing route meets the new Somerset Square/Riverside Promenade, it appears to disappear either into the steps leading down the riverbank or merge with the square itself. A specific corridor must be maintained through this area.(we can discuss finishes etc if you wish). Questions have been asked about the provision of facilities for servicing both the new development and The Brewhouse. These are not shown. It would appear that they are not on the public highway but it is essential that they are suitably provided.

In conclusion whilst I have no objection to the principle of the development it is clear that there are outstanding issues that must be resolved. I feel that these are best catered for by the use of Grampian style conditions requiring agreement on these issues prior to commencement of development.”

County Archaeologist

“An archaeological Desk Top Study has been carried out on site to inform on the potential for remains. It is clear from the DTA and earlier investigations (both within the proposal area and on adjacent sites) that any remains encountered will be highly significant. Remains from the medieval occupation of the site as part of the Augustinian Priory may include buildings, artefacts and valuable environmental evidence. It is highly probable that remains will be in an extremely well preserved state due to the waterlogging of material as seen in earlier investigations. Therefore there is a potential for preserved wood and leather as well as other organic material. I believe that the archaeology can be dealt with on this site but I need more information concerning details of the archaeological mitigation before this application is determined. “

Environment Agency

“The Environment Agency welcomes the submission of:

LDA design ‘s “Somerset Square General Arrangements and Levels” Drawing number 2468 LE/01.

LDA design Somerset square Typical Sections Drawing number 2468LE/02.

Armstrong Burton Architects drawing number 06189_P10

In light of the further information submitted the Agency now withdraws its objections (detailed in previous correspondence dated 08th May 2007 see attached) subject to the following conditions:

CONDITION: The ground levels of the development must be set to minimum of 16.14 m AOD and the finished floor levels of the mixed-use development at 16.44 m AOD.

REASON: To protect the development from flooding

CONDITION: A strip of land 8 m wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structure (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

REASON: To preserve access to the watercourse for maintenance and improvement.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of the flood defence improvements along the riverside boundary are raised as part of Phase 1. The defences must be raised to a minimum of 16.14 m AOD.

REASON: To mitigate against the risk of flooding.

CONDITION: During construction No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use, pollution incident containment.
3. How both minor and major spillage will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness
7. Details of construction restriction zones e.g. rivers/working in/near water.

Note: Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented. For further information please contact Mathew Sully Environmental Management on 01278 484743.

REASON: To prevent pollution of the water environment.

CONDITION: Development hereby approved shall not commence until a Wildlife Plan, produced in conjunction with a construction Environmental Management Plan, has been submitted to and formally approved in writing by the Local Planning Authority.

REASON: To prevent disturbance of protected species and to protect and enhance the bio-diversity resources on the site.

Note: The Wildlife Plan shall detail provision for and mitigation of protected and national bio-diversity action plan species, especially those known to use the corridor of the River Tone (See Ecological Assessment Larry Burrows).

Further to the above the Wildlife plan shall include a maintenance scheme ensuring future bio-diversity of the site is maintained. For further information please contact Francis Farrcox (biodiversity) on 01278 484791.

CONDITION: All lighting within the proposed public space shall be low level and directional to minimise light straying out the River Tone or its banks.

REASON: To prevent disturbance of protected species and to protect and enhance the bio-diversity resources on the site.

Notes: Surveys for road schemes in Taunton have identified that the use of flood lighting adjacent to the river tone prevents use of the River Tone by the species when switched on, thereby causing temporary disturbance to the commuting and feeding habits of the species (from Larry Burrows ecological assessment).

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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%. 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 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.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

Note: This scheme should include: drainage plans detailing the routes of both foul & surface water. Further to this the Environment Agency will need reassurance from Wessex Water that there is sufficient capacity within the existing sewerage infrastructure to cope with additional flows without risk of causing deterioration in effluent quality or increased river loading.

REASON: To prevent pollution of the water environment.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution of the water environment.

CONDITION: 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.

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority.

That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: To prevent pollution to the water environment

Note: The supporting information for this application includes a geo-environmental assessment which highlights that potential contamination (particularly hydrocarbons) has been identified on site. The information

included in the geo-environmental assessment is very limited and further investigation and risk assessment is warranted.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
3. For more information please refer to the Agency's website at: www.environment-agency.gov.uk .

CONDITION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: In order to prevent contamination to the surrounding environment.

CONDITION: Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: In order to prevent contamination to the surrounding environment.

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

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 metres of the top of the bank of a designated 'main river'.

Exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will also be required and developers will need to contact us to apply for such activities.

Foul drainage to be connected to the public sewage system

Foul drainage to be kept separate from clean surface and roof water.

The Agency has land ownership rights by the cricket grounds (please see attached map for an outline of our properties). For further information please contact the Estates department (Kelly Woodgate tel number 01392352448).

We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing.

In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation. Running costs of the building are also reduced.

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request. “

Wessex Water

“Foul Sewerage – There is sufficient capacity to serve the site. The site is crossed by public combined sewers that are protected by statutory easement. There is to be no building within 6.5m of a public sewer. Sewer diversions should be discussed with our Engineers. Surface Water Drainage – Surface water is to discharge to the River Tone with consent from the Environment Agency. Public Adoption of New Sewers – In line with Government policy the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section104 Agreement. Sewage Treatment – The sewage treatment works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate. Water Supply – The existing system is adequate to serve the proposed development. A connection may be made to the 100mm diameter ductile iron main in Coal Orchard. Wessex Water suggests that on site pressure boosting will be necessary for buildings with more than two storeys.”

Devon & Somerset Fire and Rescue Service

“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 fire appliances should comply with Approved document B5 of the Building Regulations 2000. All new water mains installed within the

development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Police Architectural Liaison Officer

“The principles applied to application 38/2007/025 apply to this application and having had the opportunity of viewing the plans on-line I would like to make the following additional comments: Access and control measures for both vehicles and persons should be implemented in respect of the proposed undercroft parking for the sheltered apartments. Similarly access control measures should also be implemented for the proposed goods delivery area adjacent to the undercroft parking. Access control for persons should also be implemented at the entrance foyer to the proposed sheltered apartments. He storage areas under the west stand should be lockable and controllable. Comprehensive guidance regarding a range of security issues including access control, lighting, surveillance, landscaping, physical security, etc for both sheltered apartment and multi-storey buildings is available on the Secured by Design website.”

Taunton Civic Society

“The Civic Society has grave concerns both about the design of the building proposed in this application, and the effect that the proposal may have on the development of the central riverside of Taunton - and the "Vision" made the river the centre and heart of the regeneration plans.

Our objections to the design are:

1. The apartments ("Somerset House") are too near to the river. We consider that they will greatly damage the prospect along the river, from just about every viewpoint, because they approach several metres too close to the river edge. We suggest that the northernmost apartments are reduced in size by at least 50%.
2. They are also too high (at about 33 m above datum, and 16.5 m above ground floor level) at the river end. Even if the building was reduced as suggested above, they are at least one storey too high at the river end. We would prefer that they be one storey (3 m) lower north of the access core (the vertical line that has the apartment foyer on the ground floor).
3. The isolated part of the stand by the river edge to the north east of the apartments appears to overhang the river walkway. Again, this will damage the sightlines along the river. Further, will it interfere with plant used to maintain the river and its banks? We suggest that the higher cantilevered section be somewhat truncated.
4. The plans do not indicate how access to the stands is controlled. If one believed them, people would just wander in from the river walkway. Since there must be some form of wall, and since this itself will affect

the landscaping of this sensitive area, this should be explicit before the application is approved. 5. The long run at ground level between the main west stand and the apartments seems to invite trouble. Even given CCTV coverage, it may be an area for antisocial behaviour, and in event of an emergency a potential bottleneck for those trying to escape.

6. Sheltered apartments may well have people with limited mobility, and we are concerned that there appears to be only one lift - and in case of emergency there are only 3 stairways, down which any residents with poor mobility would have to be assisted or carried. We consider this to be unsafe.
7. There appears to be absolutely no common space on the 2nd and 3rd floors, apart from stair/veils. Oppressive and restrictive, and the ambience will not be helped by the monotonous long central (and except on the 4th floor, internal) corridor.
8. We note that there are several discrepancies between the various images supplied. The projection of the balconies shown in P08 seems less than those in P07 (North Elevation), yet the plan in P03 indicates that, if anything, the reverse is true. We consider the projection of balconies as shown in profile on P07 at the northwest end of the apartments to be too great, giving a very jagged edge to the building as seen from across the river.
9. Another oddity is that the top of the access core projects quite noticeably above the roofline in P06 but does not appear on PI 0. More seriously, and indicating a rather cavalier disregard for how the building will sit in the landscape, are the trees drawn adjacent to the river in P10 (East) and P06 (West) elevations. There is no way that these, or the land they stand on, could exist in those sightlines if the plan view is correct. These images suggest that the apartment building is much further from the river than is actually the case.
10. The ground floor features indicated by grey rectangles on the western side of the undercroft parking area (in P06) are not described. While one is clearly the entrance (see P02 A), what are the others? What are the materials?
11. We think the ground floor balcony for the visitor suite is irrational. P02A and P06 do not agree as regards the windows and doors in this area.
12. The materials proposed include a "Taunton Buff" brick. This does not seem to be a good fit to the surroundings and we would prefer to see a warmer colour.

Apart from the above objections, we are concerned with the quality of the documentation of this application. There appears to be no Design and Access statement (at least none on the TDBC website), no roof plan, and the images

- one could hardly say "drawings" - are very sparsely dimensioned. Can it be proper to allow an application about which so little is precisely disclosed to be determined?

Moving on to our concerns about the development of Taunton's central riverside, we are concerned about the impact of this very large building on a key area. Even if the apartments and northwest stand are reduced as we suggest, they will still dominate the riverside and the area to the west that is referred to as "Somerset Square". This has two consequences:

- (a) The area between the existing Brewhouse and the proposed building can in no way be described as a "square" - it will, in fact, be a rather mean, awkwardly shaped, piece of ground with restricted views eastwards (downriver) which will signally fail to act as a worthy public space right in the centre of Taunton.
- (b) The options available to the Brewhouse Theatre if it seeks to redevelop on its present site will be restricted. The only reasonable option, if it seeks an enlarged footprint, will be to shift westward, which will therefore reduce the space for retail or mixed developments between the theatre and North St. Of course, in an ideal world Project Taunton would be able to cajole the Cricket Club and the Brewhouse into producing coordinated plans that preserved the central riverside as an area of some distinction - but as their planning cycles are so badly out of phase it seems that the "Vision" for this area is in great danger of coming apart. While we are aware that delay will be deeply frustrating to the Cricket Club, we suggest that the Council should establish a clear plan to mitigate and resolve these difficulties before this development is allowed to proceed in any form.

The Council expects economic benefits from the Cricket Club's redevelopment and there is therefore a great deal of support for it. The Club has produced a paper slating its need for the funds that this development will generate. However, we believe it would be improper to approve an inferior design in such a sensitive location in order to assist the Club's finances. In the past a similar perception of public benefit may have contributed to the approval of Lidl's application for their riverside site - and that is now generally conceded to be a disastrous eyesore. The Club's financial issues are their business (and perhaps for the bodies that fund cricket), and in this respect they are not dissimilar from any other private sector developer: the Council's concern should be the quality and general viability of Taunton town centre, and we would urge the Council to resist any undue pleading.

Finally, and to return to a well-worn theme, this proposal is sited on an existing car park. 65 apartments have, at most, 34 parking spaces - less if any are allocated for the estate manager, the retail units or the restaurant. Even sheltered housing residents may drive. This is yet another development that will lead to increased pressure on an ever-decreasing number of public parking spaces, while there is still no assurance that public transport will - or even can - be improved. "

Landscape Officer

“This is a large imposing building which will create long shadow areas next to the river and will therefore need careful landscaping to make best use of the space and the river frontage. Given the right species of trees and surfacing I think the grid planting proposed could work well. However I think that the area also needs a more intimate landscape space where it is possible to sit and enjoy the river. It would be useful to combine this with screening to the car park area. There is a large growing London Plane along the river frontage that should be retained as it provides immediate amenity and scale to the proposed Pegasus building. Cross section P06A incorrectly shows trees along the river frontage.”

Housing Officer

“This is a key town centre site where there is very little affordable housing in the area. In view of the demand for all types of affordable housing I would be looking for 30% of the total numbers. This would equate to 19 units of affordable housing plus £25,553 as a commuted sum. I fully support this application and would emphasize the need for affordable housing. The 19 units will help towards the provision of elderly accommodation and I require 50% of the 19 units to be socially rented housing and the remaining 50% for shared ownership and low cost outright purchase. “

South West Design Review Panel

(Comments on original scheme prior to submission)

“We have stated that we support the redevelopment of the cricket ground in principle and were convinced by the masterplan concept. It follows we support the Phase 1 scheme in principle but do have some concerns over its execution. The complex viewed across the ground seemed stark and stolid. We did not see a perspective showing the scheme with the church and phases 0 and 2 but urge you to consider this view carefully. We felt the scheme could contribute more to the interest and grace of the view around the ground than it does so far. In sum, the building should enjoy its splendid sporting setting a bit more. The rear side of the stand, especially as seen from the riverside walk will be important and requires very careful design. We also queried that gap between the homes and the stand that implied a rather unpleasant corridor for spectators, albeit in transit. We have some suggestions but we intend them to aid rather than limit a reappraisal:

- A more horizontal emphasis would help (currently the vertical divisions are too insistent when seen in relation to the composition of the pavilion, and they suggest a structural solidity that is not the case);
- The corporate box level of the new pavilion (which we're suggesting to FCBA be a datum for the ground as a whole) could be picked up in some way;
- The ends of the housing and the stand should probably not coincide in plan sliding one past the other would emphasize the continuity of the stands around the ground, and their independence from the housing;

- The homes' footprint could peel away even more from the stand and perhaps do something different e.g. swinging out for river views;
- The outlook from the apartments to the rear should be enhanced such as with balconies and windows better angled towards the river?;
- There might be a garden terrace (by enclosing the corridor) for residents of the lowest level of homes to enjoy the cricket, thus differentiating this from the floors above;
- The western elevation could be quite different from the east, differences could be positive.

We would encourage you to think further about the entrance to the ground from the riverside. It struck us as impacted and unresolved. It might work better a little to the north. The entrance should be easily identifiable and attractive for approaching spectators but without jarring the continuity around the ground seen from within.

Turning to the space behind the complex, we would have liked to see an analysis of pedestrian flows relating to the ground, the theatre, the riverside walk, the footbridge and so on. Without this, our views are slightly tentative, but we did form the view that the space between the back of the theatre and the homes, serving as it does a servicing and access route, and given its narrow shape, should be a street and not a square. Somerset Square, rather, should start north of the theatre beyond the turning area for theatre deliveries. We queried the ground floor arrangement adjacent to Somerset Square since there appeared to be no real connectivity between the indoor and outdoor uses as implied by all the sketches.

We are glad that Project Taunton has commissioned designers to look at the riverside, and proposals for the square must be seen in that context - it makes no sense to design up to the SCC ownership boundary. There should be one unified space north, east and south of the theatre. We back the concept of a major pedestrian route connecting, among other things, the railway station, cricket ground and town centre and we like the idea of the square forming a stop on this route. At the same time, design work needs to take account of different scenarios, particularly the theatre remaining or moving.

In developing the riverside environment as a comprehensive scheme, proper account needs to be taken of the view of the ground from the opposite bank. The stands immediately north and south of this entrance, and indeed those further along the riverside, should offer more than a blank frontage to the river. The potential for visual and active interest should be investigated e.g. could retail/food outlets be included here to occupy the below-stand space and present a more interesting aspect?"

9.0 **REPRESENTATIONS**

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

1. The building is going to be too high and the design will not be in keeping with any of the existing properties in the area.

2. A 5 storey building is too high a 4 storey maximum would be in keeping with surrounding buildings and ensure surroundings are not cast in shadow.
3. The west facade is unattractive and dated in appearance.
4. The view from some angles of St James Street Church will be compromised and views of the tower should be protected.
5. It is a pity to ruin the town centre zone, its vista and atmosphere with tower blocks of flats which never fit in with old buildings.
6. The architecture is utility and hideous in appearance.
7. Elderly folk feel trapped and cannot cope with high rise flats, many obtain mobility transport and where would they store them.
8. Car parking is a problem for visitors to the flats as I doubt 65 spaces will be available on site.
9. Atmosphere and community spirit will be lost in the long term and planners will regret mammoth crammed buildings in the town centre when they see all the rubbish, especially around the waste disposal areas, not environmentally friendly with increased pollution, pigeons, seagulls and rats all scavenging on rubbish.
10. Pleasant development requires space, which is like gold dust in town centres, and the Cricket Ground does not have space to sell.
11. Where are they going to park cars and coaches when all the land is sold off?
12. If the Brewhouse lose their staff parking it should not be relocated to the front of the Brewhouse so spoiling the visual amenity of the "old house" part of the building.
13. The riverside should be kept free of clutter such as parking, it can then be developed for the benefit of pedestrians.
14. The Priory Bridge Road side of the cricket ground would be more appropriate for flats which would mellow with flats on the opposite side of the road car park, if there is no alternative for the club to collect revenue for their ground development.

1 letter of support has been received raising the following issues:-

1. That without the development the future of Somerset cricket in the centre of Taunton is at risk and it would be a disaster for the cricket club and town if this were the case.

1 letter of concern has been received raising the following issues:-

1. Access and parking during construction, site traffic needs to be organised to ensure minimal disruption.
2. Noise and dust pollution during construction and better to build south west boundary first to act as a barrier.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A. Is the design and impact of the development appropriate in terms of policy and the context of the Project Taunton vision? **POLICY AND DESIGN**
- B. Is the lack of affordable housing acceptable? **VIABILITY**
- C. Is access and parking provision suitable? **ACCESS**
- D. Are adequate measures provided to protect against flooding? **FLOOD RISK**
- E. Is the proposed development sustainable? **SUSTAINABILITY**

A. Policy and Design

The site lies within the settlement limit of Taunton and has been identified as part of the Project Taunton redevelopment of the town. As part of the redevelopment the Phase 1 scheme seeks to provide a five storey building 16m high consisting of 65 sheltered apartments and a mixed ground floor use with a new spectator stand 5.8 m high. The apartments are proposed for the elderly and there has been a need identified for such provision within the area. The norm in providing apartments for the elderly is not to provide children's play and recreation space. To ensure there is no future requirement which would conflict with policy it is necessary to limit the age usage of the flats through a Section 106 Agreement.

The rear of the stand to the east of the residential block is largely screened by the new apartment building. The stand is designed to continue past the end of the residential block so as to emphasize the continuity of the stands around the ground and the independence from the housing as suggested by the Design Review Panel. The drawback of this is that at 5.8 m high part of the back of the stand will be visible above the ground's boundary wall and railings. The proposal has to be considered specifically in terms of policy S2 and H2. The materials of the apartment block will be brick with rendered columns, laminated glass balcony panels and aluminium framed glazed bays. A more horizontal emphasis to the building has been given by the spacing on the rendered columns and the glazing of the balconies. This latter point also reflects more the corporate box features of the new main stand. The rear apartments on the river side of the building have balconies which look towards

the river and the design of this north western side of the building has been varied with more enclosed glazed sections so there is a difference between the two main elevations of the building. All these points address suggestions in the appraisal of the South West Design Review Panel. Clarification is being sought in terms of the treatment of the ground floor openings on the west elevation in relation to the undercroft parking area as identified by the Civic Society and a condition is proposed to address this point.

The building is not adjacent to any existing residential properties and the amenity impact of the proposal has to be assessed in general in terms of its street scene impact and views of the church towers. The building is a contemporary design that is curved and considered to fit with the new stand design. It will be tall in relation to the adjacent doctor's surgery and the back of the Brewhouse, however the impact in terms of the amenity setting of these buildings is considered to be an acceptable one. While it will be visually prominent in views across the river and will average around 16 m high, its skyline impact has been considered and it is not considered to block any important views of the churches. English Heritage has previously considered the issue and commented on the acceptability of the impact.

Specific design advice has been taken from a qualified panel of architects and the application has been submitted to address many of the points raised. The Civic Society raise objection, however, the principle of the proposed scheme is considered acceptable in design terms and is considered one that can be supported.

B. Viability

The provision of affordable housing is covered by policy H9 of the Local Plan and states that the provision of affordable housing will be sought based on identified 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. The current scheme proposes 65 sheltered apartments and this is above the original identified threshold of 25 in the Local Plan which has since been revised in the new PPS3 which came into force in April. The revised threshold is 15 and clearly the proposed scheme exceeds this. The proposals for the site however have been developed over some considerable time and there are issues identified with the funding of the development and a reliance on third party sources to reduce the gap. The imposition of an affordable housing requirement has been identified as having a significant affect on the scheme. The benefits of the Phase 1 scheme is vital to help ensure that Phase 2 takes place. The viability of the scheme as a whole would not stack up if there were to be an affordable housing requirement in respect of Phase 1. In terms of the Phase 1 development the view has been taken that the importance of the scheme's success given the social and economic benefits to the town that the redevelopment would result in is sufficient to not require a contribution towards affordable housing in this instance.

C. Access

The proposal provides for access to the site via Coal Orchard with servicing/turning space to serve the Brewhouse and the new sheltered flats to the west of the site. Parking for 34 covered spaces as well as 3 battery car spaces are to be provided for within the new building. The parking for sheltered accommodation for the elderly is normally accepted as a third of the normal requirement in central locations and the current scheme provides for 34 spaces for 65 units which is more than the norm and is considered acceptable by the Highway Authority.

The Highway Authority concern over the footway/cycle way will be addressed in terms of the final design of the landscape plan which is covered by condition suggested by the Environment Agency in terms of maintaining a maintenance strip and control over changes in levels. The other concern is to ensure adequate servicing of the site and The Brewhouse and this is addressed by a condition.

D. Flood Risk

The site is identified being within the flood risk zone and a Flood Risk Assessment was submitted with the application. The site has been discussed for some time in terms of the re-development of the Cricket ground as part of Project Taunton. There is clearly a risk of flooding in relation to the existing site however no suitable alternative site has been identified. In terms of the new Exception Test under PPS25 there are clear sustainability benefits of maintaining the Cricket Club within the town, the site is previously developed land and the flood risk assessment shows that the development will not increase risk elsewhere and will be safe. The proposal will increase levels of flood defences to the ground and the reduction in the probability of flooding will offset possible consequences arising from the increased use of the site. In addition to increased flood protection the resistance and resilience of existing buildings within the site will be improved. The Environment Agency has suggested conditions in respect of flood defences and levels to address flooding issues.

Two other areas of concern were the need to improve the environment and biodiversity and the need to ensure adequate access for maintenance is maintained. Again these issues have been addressed by conditions in respect of landscaping, a wildlife plan and maintaining levels within the Agency's maintenance strip. Further conditions are imposed to address concerns over potential pollution during construction.

E. Sustainability

The national and local planning policies support and encourage sustainable development on previously developed land in central locations and the current proposal is entirely compatible with these policies. The site lies within easy walking distance of the town centre, the railway station and the bus station, all of which are within the recommended preferred walking distance of 800m.

The scheme provides for 30 covered parking spaces plus 5 battery car spaces set below the building. The scheme provides specialist housing for the elderly on a brownfield site at a high density. It will allow for the release of under occupied housing stock with the net affect of releasing housing types through the housing chain.

The design allows for the use of renewable sources for construction materials and the opportunity for water conservation and sustainable drainage. The specialist nature of the development also allows for intrinsic security in the design such as controlled management and door entry and an emergency call system.

11.0 CONCLUSION

The proposals put forward represent a full and effective use of the site in a way that would achieve a quality development that would make a positive contribution to the environment of the area. A contemporary design approach has been chosen and it is considered that this compliments the Phase 2 design of the ground development. The building has been designed with a dual aspect and to address issues such as access, flooding and skyline impact. The scheme represents a main part of the Project Taunton vision and the benefits of retaining an enhanced Cricket Club in this central location is seen as vital for the future of the town and the scheme is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel. 356398

13/2007/002

MR & MRS TULL

**ERECTION OF TWO STOREY EXTENSION TO REAR AT REDWOOD COTTAGE,
CUSHUISH, COTHELSTONE**

319729/130150

FULL

PROPOSAL

The proposal comprises the erection of a two storey extension to the rear, west elevation of the property. The materials to be used are to match the existing of cream roughcast rendered walls and slate roof tiles.

The agent is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL in favour of the application and are happy for the application to be determined by the case officer.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design) and H17 (extensions to dwellings).

ASSESSMENT

The proposal is considered to be in keeping with the property and area in terms of scale and design, and will not have a detrimental impact on visual or residential amenity of the area.

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: 356469 MISS C NUTE

NOTES:

16/2007/001

MR W H LOXTON

ERECTION OF AGRICULTURAL BUILDINGS AND FORMATION OF ACCESS TRACK AND YARD ON LAND EAST OF CURRY LANE, HIGHER DURSTON

328630/128020

FULL

PROPOSAL

The proposal is to erect 3 farm buildings with associated access track and yard to store and process Miscanthus (elephant grass). The 3 buildings include a store and associated farm office building 65 m x 30 m x 5 m to eaves. The tipping shed is 60 m x 30 m x 8 m to eaves (11.2 m ridge) while the processing shed is of similar size 60 m x 30 m. They are required in order to expand the current farming enterprise and facilities for it to operate in a more efficient manner as the farmer has a crop area of 670 acres. The crop is used as a fuel and as a source of rhizomes, which are used to provide future crops elsewhere in the country. The crop and rhizomes have a very fast growth pattern and harvesting of both generate very bulky crops. It is anticipated that rhizomes alone would produce 6,000 tonnes of crop per annum which when stored would require 12,000 half tonne boxes.

The existing buildings at Lodge Farm are inappropriate for a bulky crop and are also located centrally within the village off a drive that would not readily support new buildings. The land holding was reviewed and in view of highway considerations it was felt prudent to locate the new buildings in a new sympathetic position. The following factors were taken into account when choosing the application site:- (i) access can be provided away from the centre of the village with good visibility and sight lines available; (ii) due to topography and the new landscaping the buildings can be constructed with little visual impact on the surrounding countryside; (iii) the site can be access from a large part of the farm without the need for farm traffic to pass over the adopted road; and (iv) the site would reduce slow agricultural traffic movements using the existing farm access drive at Lodge Farm.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the application relocates the access westwards where a junction to acceptable highway standards can be achieved. The agent's assertion is that the traffic to the new buildings using the A361 would be in the order of 900 movements a year and would be similar to the existing movements to the existing building. Even if these predictions are low the traffic generation is low and the access to the proposed buildings is much better than the access to the existing buildings. The proposed use of the buildings is agricultural and provided this could be assured along with other conditions there would no longer be a highway objection to the proposal. In the event of permission being granted I recommend conditions re parking, access, gradient, surface water disposal, use for agricultural purposes for the farm only, turning, visibility and stopping up access. COUNTY ARCHAEOLOGIST there are limited or no implications to this proposal and we

therefore have no objections on archaeological grounds. ENVIRONMENT AGENCY no objections in principle to the change of use subject to the imposition of the following conditions concerning surface water run-off, separation of clean and foul drainage, details of foul and surface water disposal, storage of oils/fuels and demolition waste and notes concerning sustainable drainage systems, culverting of the watercourse, assessment under the Habitats Regulations, consent to discharge and foul drainage kept separate from clean surface and roof water. WESSEX WATER the site is in an unsewered area and the applicant should investigate the use of private treatment works with discharge consent from the Environment Agency. The surface water discharge is to the local land drainage system with the consent of the Local Drainage Authority. There is an 800mm diameter trunk water main crossing the site and building over or near the main will not be permitted. The applicant should contact the development engineer to agree details of protection before development commences. The existing system has capacity to serve the development. NATURAL ENGLAND thank you for your consultation on the above planning application, your letter dated 30th April was received in this office on 2nd May. Having read the wildlife survey that accompanied the application it would appear from the information provided that the proposal does not have implications for protected species. Therefore Natural England has no further comment to make. CAMPAIGN TO PROTECT RURAL ENGLAND the proposal is for an irreversible development on otherwise productive farmland relying on the economic viability of a decidedly unproven enterprise. We cannot recommend this to you as worthy of backing or of any sacrifice of amenity by local residents. The application appears as an incomplete application for the erection of industrial buildings with an element of warehousing, clearly a departure from the development plan. The proposal is not in accordance with the definition of "agriculture" as described in Section 336 of the Town and Country Planning Act 1990. The proposal does not assist the cultivation of woodlands, nor for horticulture or a market garden. The proposal is for the construction of premises for an ambiguously described processing and stockpiling of produce arising from non forage root rhizomes. We consider the proposal speculative and far too large for the landscape, amenity of local residents and the description of the enterprise as described in the application. We consider earth bunding arises from failure in landscape planning. The proposal appears to fill the plot rather than the needs of a contemporary and coherent business plan. The application describes one of the buildings as a 'pellet shed/farm office' yet other references to manufacture of miscanthus pellets have been erased. We consider the need to be unproven. Indeed local evidence suggests that farm buildings are being turned over to industrial use through a want of agricultural use. We are concerned at the loss of first rate agricultural land and how the development would dwarf and overwhelm the established hamlet of Higher Durston. We are opposed to the large scale cultivation of miscanthus as it is a woody alien grass originating from Asia and as a short rotation coppice crop it competes with native alternatives of willow and poplar. The proposed departure from the development plan could damage the credibility of planning and be contrary to plan policies S4, S5 and S7, Core strategy Option 1 and national guidance PPS7 and SA Objective 11 (to maximise efficiency in use of land resources, minimising use of finite resources and minimising pollution and waste). This is partly because the proposal would hinder the development of native biomass sources which unlike the cultivation of miscanthus, require no additional fertilizer, biocide or fire prevention inputs on which the applicant has also

been vague. We feel the applicant has given insufficient information for approval and even were that forthcoming, a refusal would almost certainly still be appropriate.

LANDSCAPE OFFICER subject to no further comments from Somerset County Council regarding visibility splay requirements my assessment of the site is that the site is relatively well screened from the road and surrounding landscape. Subject to details of planting and earth mounding it should be possible to integrate the proposals into the local landscape in line with Policy EN12. NATURE CONSERVATION OFFICER the wildlife report identifies that protected species will not be harmed by the proposal. However badgers are known to cross the site and breeding birds may be affected by the proposals. I recommend that conditions be made to protect these species through the development phase. The landscape plan permitted with the application reinforces the hedgerows and this will improve the habitat on site. The agent's letter outlines the processing of miscanthus. It appears from this and the flood risk assessment that there will be no discharge of effluent from the processing. However with the proximity to the Levels and Moors SPA I recommend that this should be confirmed and any doubts raised through consultation with Natural England. RIGHTS OF WAY OFFICER if planning consent is granted it will be necessary to divert the public footpath T12/7. (Informal consultation with user-groups has taken place. The Open Spaces Society, the Ramblers Association and the Somerset Walking Club are happy that T12/7 be diverted on to Curry Lane.) The diversion would be brought about by S119 of the Highways Act 1980, as the proposed development is of an agricultural nature. ENVIRONMENTAL HEALTH OFFICER no observations to make. DRAINAGE OFFICER I note that surface water is to be disposed of to existing ditches via an attenuation system. Details of the attenuation system need to be approved by this department before any planning approval is given. I attach a note of "Guidance Notes for Developers" and any approved system should be designed in line with the document. Details should be submitted as a matter of course. With regard to foul water disposal I note a private sewage treatment plant is to be installed. This will require discharge consent from the Environment Agency and they should be consulted before approval is given.

DURSTON PARISH MEETING previous applications in the Parish for change of use of land have been rejected as contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policy STR6 and Policy 5 and Taunton Deane Local Plan Policies S1(D), S2 and EN12. This application should be rejected on similar grounds. Whilst this application addresses the problem of visibility splays, which was one of the reasons for recommendation for refusal of the previous application, there remains the issue of "... direct access from a County route with no overriding special need or benefit substantiated contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49". Presumably this objection still applies. Do the proposed activities at the facility still come within the agricultural classification applied to the development or is an industrial/commercial classification more appropriate? Whilst mindful that the economic expectations of farmers are encouraging them to consider various ways of diversification, should this be allowed at the expense of the rural character of the village and the countryside generally? If subsequently the degree of processing at the facility was increased (e.g. manufacture of pellets) how would this be handled from a classification perspective? The size of the proposed development has raised concerns that once established

the facility could in the future, in addition to servicing Lodge Farm, be used to handle, process and store crop from other farms in order to make it commercially viable. Whilst this would be outside the scope of the present application it would in reality prove difficult to control and enforce and hence such operations would, by a process of creep, become accepted, greatly increasing traffic volumes in and out of the facility, plus other environmental considerations. The applicant stated at the Parish Meeting that a full traffic survey had been conducted, but as this has not been made public on the planning department website, we can only assume that the increase in traffic movement is likely to be substantial considering the size of the development and what assurances can we have that this assessment was made independently? Whilst the applicant stated that he had no plans at present to pellet on site, given the obvious environmental impact of transporting Miscanthus bales in bulk and lack of power stations in this area of the country, there is a concern that in time a pelleting operation would be started on site. Indeed the original plans from the withdrawn application showed a pelleting facility as a later phase of the development. Reference to this was subsequently removed from the plans. The applicant has stated at the Parish Meeting that the facility will stand largely idle during the months of May to October - would restrictions be put to prevent uses other than agricultural during this time? If the development of Miscanthus should not prosper for whatever reason, what protection would there be with reference to other uses of the then redundant buildings - has a bonded development restriction been considered as a means of protection? Would the applicant be permitted to let the redundant buildings for non-agricultural purposes as is the case in two of his current buildings on his farm? If planning is granted what restrictions would be placed upon hours of operation, volumes of traffic and what safeguards would there be for occupiers of nearby residential properties from undue noise. Additionally, what measures would be put in place to ensure that the use of the site is restricted to servicing only the Lodge Farm crop as stated in the application? There is currently a Public Right of Way across the site which must be resolved. The fact that there is a non-agricultural unit next to the proposed site must not be taken as a precedent since this was allowed by retrospective planning consent, against the wishes of residents of the village at the time. Because of the size of the project and the points raised above it is felt that this application should be given wider consideration at a full planning meeting and not dealt with as a decision to be made by the Development Control Manager under delegated powers. As chairman, it is also my duty to report that, at the Parish Meeting, in addition to the applicant himself, four residents spoke in support of the application. The concerns expressed above were obtained not only from other residents at the Parish Meeting but also by personal representation to the Chairman since the re-submission of the application.

CREECH ST MICHAEL PARISH concern over whether the development should be considered 'industrial' and therefore be inappropriate for a residential area. Concern over that the development could lead to a substantial increase in HGV and employment traffic that could impact on the Parish. Is it possible to accommodate appropriate access for heavy vehicles adjacent to a busy main road such as Durston without causing disruption to traffic and local residents. Concern over potential expansion resulting in 24hour processing and shift working. This would result in a loss of green land and an industrial (perhaps brownfield) depot would be more appropriate not close to local residents and with easier traffic access.

10 LETTERS OF OBJECTION have been received raising the following issues:- large structure which would dominate the rural area however landscaped, the building would house a processing plant as well as offices, loading bays and storage and seems industrial rather than agricultural; the site is not suitable because of noise, dust pollution, increase in commercial traffic, hours of working may cause disturbance and influx of large casual labour force into a small village; loss of Greenfield site, application inaccurate, can the use of the farm solely be enforced, this industrial development should be on a brownfield site, increase in traffic noise and pollution, similar enterprises are going into liquidation, this agricultural fad could be short-lived and grants could stop; the existing farm has farm buildings rented out to non-agricultural use, if not viable will lead to a redundant site and will lead to an industrial estate with a large office; site better closer to existing farm buildings; prevailing wind would blow dust and smell towards the village; slurry store would create smell; vehicle movements would create dust and noise that would be carried toward the village; increase in traffic on A361; road access inadequate; working hours unclear; concern over herbicide use on the crop and health and safety impact as well as concerns over growing crop; the production of pellets from grass is not an agricultural procedure; this is a processing plant that is industrial and a regional centre; traffic increase would impact on the safety and convenience of locals with the addition of further slow moving vehicles; outlooks will be blighted; concern over surface water run off; no benefit to village and will lead to industrial units.

POLICY CONTEXT

RPG 10 – Regional Planning Guidance for the South West, Policy SS19 – Rural Areas, Policy EN1 – Landscape and Biodiversity.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, Policy1 – Nature Conservation, Policy49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, S7 – Outside Settlements, EC8 – Farm Diversification, M1 – Transport and Access, C6 – Public Rights of Way, EN5 – Protected Species, EN12 – Landscape Character Areas, EN25 – The Water Environment, EN29 – Flooding Due to Development, EN34 – Control of External Lighting.

ASSESSMENT

The main considerations with the proposal are the impact of the buildings within the rural area, the highway safety implications of the development in terms of the access and footpath and the drainage proposed.

The development has been clarified with the applicant and is for the erection for 3 farm buildings to store and sort the crop of miscanthus which is grown on the holding. It is not a development for industrial use and is not a regional centre for processing. The crop consists of two aspects, the grass and the rhizomes, both of which are to be stored on the site. The rhizomes can be used as a seed crop for other producers and the process is similar to the growing of potatoes. The rhizomes

are lifted from the field transported to the site and manually sorted on conveyors before being dropped into storage boxes. These boxes are then stored before being transported off the farm at a later date. The soil taken off the conveyors during sorting is taken back to the land by tractor and trailer. The miscanthus is a perennial grass that is used as an energy crop. It is not for the Planning Authority to determine what crop is appropriate for a farmer to produce on his land.

The site is in a rural location outside settlement limits and therefore has to be considered in terms of policies S7 of the Local Plan and STR6 of the Joint Structure Plan. The use here is considered to be an agricultural one which would comply with such policies and the impact of the 3 farm buildings in landscape terms has to be assessed. The bigger buildings are 8 m to eaves and 11.2 m to the ridge while the smaller building is 8.2 m to the ridge. The buildings are dug 4 m into the site at the northern end and a landscaping bund of 4- 5 m high is proposed in the adjoining field to the south to limit the landscape impact. The site here is considered to be a suitable one in landscape terms as the development can be set into the landscape and be screened with existing features and landscaping from any significant distant views. The development is set down and screened from road level. Clearly the development is on a Greenfield site but it is considered to be an agricultural use proposed. The development will be visible in landscape terms from the nearby footpath but this impact in itself is not considered to warrant an objection in itself. Long distance views of the site have been addressed and the site is considered to be the most suitable one on the holding to house such buildings.

A public footpath T12/7 passes diagonally across the site and the development as proposed would conflict with this route. An alternative route has been suggested and this would utilise the existing Curry Lane which runs along the western boundary of the site. It is not considered that the alternative would unduly affect amenity or inconvenience users, although a formal diversion order would be necessary before development could occur. If no suitable alternative were available a refusal of the scheme could be recommended in line with policy C6 of the Local Plan, however given there is an alternative which is in the control of the applicant a Grampian condition to secure alternative footpath provision is considered appropriate in this instance.

The proposal involves a new access to Curry Lane which is private and a new access onto the A361. The applicant claims that the majority of movements to these farm buildings will be from surrounding farmland in the same ownership to the south of the road and therefore this will limit the traffic using the A361. The existing farm access lies at the bottom of the hill with poor visibility. The traffic statement provided on behalf of the applicant indicates an existing number of movements per year of 889 in relation to the existing farm use while 865 a year are indicated in relation to the proposed store. The new access from the A361 will be for the site workers and distribution of the crop away from the site. It is indicated that up to 50 temporary staff will be required at harvest time and these will be ferried to the site by bus or van. The Highway Authority are satisfied with the new access provision, traffic flows and visibility and are recommending conditions on any approval.

The drainage proposed is for the toilets to drain to a septic tank and for surface water to drain to a storage tank system with a limiter to prevent inundation of the

existing watercourse. The Environment Agency raise no objection in principle and it is considered that the drainage details can be conditioned. A condition to control external lighting and working hours are considered appropriate. The wildlife survey of the site has not identified any adverse impacts. The provisions in PPS9 – Biodiversity and Geological Conservation seek to enhance and improve biodiversity as part of new developments. It is considered that this can be appropriately achieved through a condition.

The development is of a significant scale within the countryside, however it is for an agricultural development in association with the existing holding. The scheme involves landscape mitigation which can be conditioned. The scale of traffic using the site is considered to be acceptable by the Highway Authority and a new access has been designed to meet visibility requirements. The drainage issues can be conditioned and the footpath issue needs to be addressed by means of a Grampian condition. In view of the provision of an agricultural business in this well screened location the proposal is considered acceptable in this instance and is recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, no development until footpath diverted, temporary construction parking, access, parking, gradient, disposal of surface water, agricultural use only, stopping up existing access, turning space, visibility, surface run-off limitation, details of foul and surface water disposal, separation foul/surface water, storage of oils/fuels, external lighting detail, operating hours, badgers and birds during construction. Notes re relocating speed limit sign, blocking access, compliance with Waste Management Licensing, sustainable drainage systems, culverting watercourse, Habitat Regulations, controlled waters and foul drainage.

REASON(S) FOR RECOMMENDATION:- The proposed development is not considered to adversely affect the landscape character of the area and to accord with Taunton Deane Local Plan Policies S1, S2, S7, C6 and EN29.

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:

34/2007/013

KEITH FARMER BUILDING SERVICES

REVISED APPLICATION (34/2006/038 & 34/2006/023) TO SUBDIVIDE PROPERTY TO CREATE TWO DWELLINGS AT CALYPSO, RECTORY CLOSE, STAPLEGROVE.

321143/126580

FULL

PROPOSAL

A further revised application has been submitted to seek permission for the separation of an existing annex to the property 'Calypso' to form a separate dwelling and the subdivision of the site. The property is a bungalow and the agent has indicated that the existing annex has been rented out and the application seeks to regularize the matter and make the sub-division permanent.

The following changes to the previous application are proposed:- (1) 2 additional parking spaces are proposed on top of the two existing spaces; (2) cutting down the hedge down to not more than 900 mm above ground level for 1.5 m from than lane; (3) removing the Leylandi tree which prevents visibility; and (4) removal of a fence that otherwise restricts parking.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL object to this, the third application to subdivide the property known as 'Calypso' as it seems inappropriate and unnecessary. Unnecessary because the division into Calypso and Annexe appears to have already been achieved. Inappropriate because there are currently 4 persons living in Calypso and one in the Annexe. Creating two additional car parking spaces onto the east side of the dwelling will make access to Calypso from this side very difficult and cause considerable congestion in an area more suited to the location of waste bins etc. The Chair of the Parish Council visited the site by car, found no room to park or turn and had to reverse back as far as Rectory Road, to park. Any attempt to encourage more vehicles to use this narrow and congested area should be resisted.

8 LETTERS OF OBJECTION have been received raising the following issues:- revised application does not overcome previous reason for refusal in regards lack of parking; highway safety; traffic; degrade existing road; obstruction to emergency services – insurance claim; health and safety; parking space 1 on amended plan is not owner by the applicant and according to the Land Registry is unregistered land subject to a caution; if 3 car parking spaces in front of the property are occupied pedestrian access to the property will be impeded; other sites more acceptable for this type of accommodation; deeds state only one dwelling and garage on this plot; retrospective application; overdevelopment.

POLICY CONTEXT

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport).

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR4 (Development in Towns) & Policy 49 (Transport Requirements of New Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing within Classified Settlements), H17 (Extensions to Dwellings) and M4 (Residential Parking Requirements).

ASSESSMENT

The main issues in the determination of the application derive from an overall assessment of the increased utilization of the property in the context of the character and appearance of the area, secondly residential amenity and thirdly highway issues and the parking capacity of the street.

The application site is located within settlement limits as defined by the Local Plan and as such the principle of residential development, which would create a low cost dwelling, is accepted subject to other planning and material considerations. The site comprises of a modest detached bungalow of little architectural merit, set within a commensurately sized curtilage. The built form and character of the area comprises a mixture of design styles. It would appear there has been some backland development and intensification of previous large gardens in the locality.

It is considered that the proposed works to the dwelling would have no adverse impact upon the character or visual appearance of the property or the wider area.

With regards to the impact of the sub-division on local residents, it is considered the proposal would not cause any unreasonable harm to the residential amenity of adjoining occupiers, other than highway issues discussed later. The occupiers of the rear proposed dwelling would access the site along a path enclosed by a high timber paneled fence and as such there would be no loss of privacy. Furthermore, given the single storey form of the dwelling the proposed subdivision would not give rise to any intensification of overlooking etc.

The proposed sub-division of the dwelling would appear to provide an adequate internal layout to meet the needs of future residents.

The previous application, reference No. 34/2006/023 & 34/2006/038 were refused on the grounds of insufficient off street parking to comply with Local Plan policy and the requirement of the Highway Authority. The Highway Authority has subsequently discussed the design layout of the parking with the agent. As such the Highway Authority considers the revised plans to be acceptable. On this basis it is considered that whilst the concerns of the Parish Council and residents are noted it would be difficult to substantiate refusal of the application without the formal objection of the Highway Authority.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, details of any fencing or enclosure, removal of PD rights for extensions and parking area to be kept clear of obstruction and not be used for any other purpose other than parking of vehicles in connection with the development.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, H17 and M4 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: 356586 MR A PICK

NOTES:

38/2007/131

Q-PARK LTD

ALTERATION TO RAISE TIMBER CLADDING ON SOUTH, EAST AND WEST ELEVATIONS AT 2ND, 3RD AND 4TH FLOOR LEVELS AND ALTERATIONS TO 2 UPPER LEVELS TO MULTI STOREY CAR PARK AT TAUNTON AND SOMERSET HOSPITAL, MUSGROVE PARK, TAUNTON AS AMENDED BY LETTER DATED 1ST JUNE, 2007 AND PLANS

21500/23980

FULL

PROPOSAL

The proposal consists of variations to the elevations of the building to address concerns in respect of overlooking from the southern side of the multi storey car park towards Hoveland Lane. The development consists of raising the level of the timber cladding by 666 mm on parking levels 4, 6 and 8 and the amendment adds a further 333 mm to levels 9 and 10.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER no observations to make.

1 LETTER FROM RESIDENTS ACTION GROUP raising the following issues:- providing the additional cladding is internally boarded and the height of the cladding on levels 4, 6 and 8 will be increased by 0.67 m, it would appear that this will meet our requirements regarding the overlooking problem from these levels.

POLICY CONTEXT

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design.

ASSESSMENT

The multi storey car park has been constructed on site at Musgrove Park Hospital and the internal levels on the upper floors slope to aid drainage. This has meant that the external cladding varies in height internally and it is possible to see over and down at certain points on the exposed upper floors. This affects car park levels 4, 6, 8, 9 and 10.

In order to address this concern raised by neighbours the proposal involves increasing the height of levels 4, 6 and 8 by 666 mm to avoid any overlooking from these levels. Having visited the site it also became apparent that there was also an

issue with levels 9 and 10. In order to address this concern the Architect has proposed an increase of 333 mm to these upper two levels to address the issue.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and counter battened timber. Note re timing of works.

REASON(S) FOR RECOMMENDATION:- The proposed alteration to the building is considered acceptable and in compliance 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: 356398 MR G CLIFFORD

NOTES:

38/2007/165

SARAH SHEPPARD

**CONVERSION OF DWELLING TO TWO FLATS AT 10 SALISBURY STREET,
TAUNTON**

322498/126005

FULL

PROPOSAL

The site comprises a two storey dwelling and a change of use to two flats. The application does not involve any external alterations. Cycle parking can be provided in the rear garden area.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

13 LETTERS OF OBJECTION have been received raising the following issues:- lack of parking; overdevelopment; property not being kept tidy.

1 LETTER OF NO OBJECTION has been received.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, H2 – Housing in Settlements, H 4 – Self-contained Accommodation, M4 – Transport.

ASSESSMENT

The change of use does not involve altering the external appearance of the building. There is considered to be no impact upon visual or residential amenity.

The location of the property is close to the town centre providing facilities, services and employment within easy walking/cycling distance. Public transport facilities in the area are good. It is therefore not considered necessary for the development to have car parking facilities.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, cycle parking, bin storage.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a 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: 356313 MRS F WADSLEY

NOTES:

46/2006/032

MR KARIM LADHU

RETENTION OF COVERED DISPLAY AREAS AND ANCILLARY USES ASSOCIATED WITH GARDEN CENTRE AT BLACKDOWN GARDEN CENTRE, PICCADILLY, WELLINGTON.

316348/121291

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

Retrospective consent is sought for the erection of covered display areas and ancillary uses at Blackdown Garden Centre. Blackdown Garden Centre is sited in a rural area and lies on the southern side of a straight section of the A38 between bends at Hockholler and the roundabout junction at Chelston, near Wellington. The site has a long planning history. Planning permission was granted on appeal for the change of use of a nursery to incorporate a garden centre in 1995, planning reference 46/1994/019. The most recent application authorised an extension to the Blackdown Nursery and Garden Centre on 9th October, 2002. The agent states within the Design and Access Statement that an additional 2,305 sq m of covered display areas has been created over and above the existing permissions on site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY as the Planning Officer is no doubt aware there is a lot of history associated with this site. The submitted planning application now being considered is a retrospective application and is lacking in information and detail. It is not clear from the submitted plans, what already has consent and what is now being applied for and I would seek clarification of this. In addition no detail has been provided regarding traffic movements and an application of this size and nature should include a full Transport Assessment and Travel Plan. There have been significant problems on the A38, previously in relation to surface water run-off/drainage. In addition there are highway safety issues and personal injury accidents associated with the existing use of this site, together with the road to Ham, and the petrol filling station. These problems have not been considered within this planning application although colleagues have advised me that discussions have previously taken place between the applicant/owner (current and previous) and the Highway Authority. However despite this, insufficient information has been provided. I would refer you to my colleague's letter dated 26 March 2003 (copy attached), and would advise you that these comments remain applicable. The 2002 planning application, (46/2002/020) set out an existing floor area of 485 sq m with an additional 1796 sq m proposed. The current proposal takes the floor area to 3804.5 sq m, which is a substantial increase in size and will result in additional 25 staff (mix of full time and casual) over the existing 15 full-time, which has increased from 8 to 10 set out in the 2002 application. This site has been allowed to grow significantly to the detriment of highway safety and It is imperative that a suitable vehicular access is incorporated into this site. In the absence of such sufficient supporting information I would recommend refusal of this application for the following reasons:- 1.

Inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved. 2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since a safe access is not provided for the intensification of the development. ENVIRONMENT AGENCY object to the proposed application on the grounds that it is not accompanied by a flood risk assessment (FRA) as required by PPS25. The site is located within flood zone 3, which is the highest risk zone and is defined for mapping purposes by the Agency's flood zones. Furthermore, the information uploaded on the Council's website does not clearly identify the buildings/display areas for which retrospective planning consent is sought by the applicant. The applicant/agent should be requested to submit the above information in order to allow the Environment Agency to provide a more informed comment on the application.

LANDSCAPE OFFICER it is not clear from the attached plans which are the permitted development and which retrospective. My overall impression of the site however is of considerable impact on what was a rural area 10 years ago. The most effective mitigation would be a triple row native hedgerow on the road frontage, bank maintained at 2.0 m high (bank and planting 3.0 m) with trees planted at 6 – 8 m intervals. There should also be additional tree planting within the first 20.0 m of roadside perimeter landscape of large growing indigenous trees such as Oak, Ash and Wild Cherry. DRAINAGE OFFICER awaiting the submission of the FRA before commenting on the application.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation, PPS25 – Development and Flood Risk.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC20 (Garden Centres), EC7 (Rural Employment Proposals) and EN12 (Landscape Character Areas).

ASSESSMENT

There are a number of pertinent issues in the assessment of this application, these relate primarily to the following; visual impact of the proposed development on the rural character and appearance of the area; flood risk and highway safety. However, for the reasons outlined below, it is considered there is insufficient information submitted to enable a rigorous assessment of the proposed development.

The application was registered without the submission of a valid flood risk assessment (FRA). This was due to the considerable time delay in the receipt of the

retrospective planning application. On this basis the applicant was informed that the FRA must be produced and submitted. No FRA has subsequently been submitted. The site is located within a high risk flood area, identified as Flood Zone 3, and without a FRA the Local Planning Authority and Environment Agency are unable to assess the impact of the development within the Flood Zone. The proposal is therefore contrary to local and national policy which requires a FRA to be accompanying an application in areas which maybe liable to flooding issues.

In addition the Highway Authority has raised an objection that the application provides a lack of information, including a transport assessment and transport plan, to assess the merits of the scheme. In addition the Highway Authority expresses an objection that without such information they are unable to assess the increased use of the site and its impact upon the existing access which is considered unsafe for any intensification of the site. The landscape officer has also made reference to the difficulty in defining what permission is actually sought. The plans do not appear to incorporate all development that is unauthorized and fails to clearly distinguish and clarify the retrospective works in order to enable an assessment of the development.

As such for the reasons outlined above it is recommended the application be refused on the grounds of lack of information and clarity in order to fully assess the planning merits of the scheme.

RECOMMENDATION

Permission be REFUSED for the following reasons (1) No flood risk assessment has been submitted for this site and consequently, without evidence to contrary, the development fails to meet the provisions of Taunton Deane Local Plan Policies EN28 or EN29 and guidance contained within Planning Policy Statement 25 (Development and Flood Risk) as the site lies within an area which has been identified as at risk of flooding. Therefore the application provides insufficient information to enable the Local Planning Authority to fully determine the planning merits of the development proposal. (2) Insufficient information has been submitted in order to assess the impact of the intensification of the garden centre on the highway network and the existing access to the site. As such the proposal fails to provide a safe access to the site to accommodate the intensification of the use. Furthermore a full transport assessment and travel plan is required in order to fully assess the impact of the use. As such the development is contrary to the provisions of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. (3) The submitted information fails to clearly identify and define the development for which retrospective consent is sought. As such the Local Planning Authority is unable to fully assess the merits and intensification of proposed development against the relevant Local Plan Policy.

Enforcement action be authorised to remove any unauthorised works from the site and the land returned to its former condition.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

Planning Committee – 13 June, 2007

Report of the Development Manager

Enforcement Item

Parish: Bishops Hull

1. **File/Complaint Number** E4/05/2006 and 05/2007/011
2. **Location of Site** China Capital, 87 Mountway Road, Bishops Hull, Taunton, TA1 5DS
3. **Names of Owners** Mr Leng Soon Soh
4. **Names of Occupiers** Mr Leng Soon Soh
5. **Nature of Contravention**

Retention of external extraction ducting.

6. **Planning History**

The extraction duct was first brought to the Council's attention on 9 January, 2006. It was installed at the time when the property was being altered from a Fish and Chip shop to a Chinese takeaway. The existing extraction ductwork for the takeaway was neither of sufficient size nor in the correct location. An application was submitted on 27 February, 2006 and refused on 30 November, 2006. The applicant stated that the ducting was essential for his business so a further application was submitted on 27 March, 2007 which included additional details of the filters and reasons why the ducting was necessary. The application was subsequently refused under delegated powers on 21 May, 2007.

7. **Reasons for taking Action**

The extraction ducting by reason of its size and siting constitutes an intrusive element in the street scene to the detriment of the visual and residential amenity of the area and therefore contrary to Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and to commence prosecution proceedings 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