

25/2002/018

ST MODWEN DEVELOPMENTS LIMITED

REDEVELOPMENT COMPRISING EMPLOYMENT AND RESIDENTIAL DEVELOPMENT, PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD, PROVISION OF OTHER INFRASTRUCTURE AND SERVICES, STRUCTURAL LANDSCAPING AND OPEN SPACE PROVISION, TAUNTON TRADING ESTATE, NORTON FITZWARREN AS AMENDED BY LETTER DATED 28TH JUNE, 2002 WITH ACCOMPANYING FLOOD RISK ASSESSMENT; AND FURTHER AMENDED BY LETTER AND ACCOMPANYING SUPPLEMENTARY TRANSPORT ASSESSMENT AND PLAN NO. 30753/11B AND AMENDED ILLUSTRATIVE MASTER PLAN DATED 18TH DECEMBER, 2002 AND APPLICANTS LETTERS DATED 25TH NOVEMBER, 2002, 16TH APRIL AND 5TH JUNE, 2003 AND 12TH JANUARY, 3RD FEBRUARY (WITH ACCOMPANYING REPORT ON "HALSEWATER FLOODPLAIN - FLOOD STORAGE COMPENSATION"), 12TH FEBRUARY, 2ND MARCH (WITH ATTACHMENTS), 27TH MAY (WITH ACCOMPANYING DETAILS) AND 7TH JUNE, 2004, ARUP LETTER TO ENVIRONMENT AGENCY DATED 17TH FEBRUARY, 2004 WITH ACCOMPANYING NOTES AND DRAWINGS AND FLOOD RISK ASSESSMENT ADDENDUM A ISSUE 2 MAY 2004

20300/26000

OUTLINE

1.0 **RECOMMENDATION**

Subject to the applicant entering into a Section 106 Planning Agreement by 28th October, 2004 to including the following:-

1. **Affordable Housing**

Within each phase of residential development, 20% of the proposed dwellings should be affordable housing provided at nil public subsidy, provided for and maintained by a Registered Social Landlord (RSL). If the relevant land within each phase is not sold to an RSL (or another provider where it can be adequately demonstrated that appropriate housing needs are being met) within 3 years of commencement of development of the relevant phase, the land shall pass to the Borough Council at no cost, together with a sum equivalent to the subsidy lost in respect of such land, to be linked to the building cost index. 80% of the affordable housing is to be rented and 20% shared ownership. The mix of types to be initially as indicated in 'Proposals for Affordable Housing Provision' dated 18th June, 2004). Provision to be made for the tenure split and mix of dwelling types to be reviewed over time to reflect changing circumstances and dwelling numbers.

2. **Employment Land**

The provision of 7.5 ha gross (5.2 ha net) of employment land to allow for a mix of employment uses, including small start-up units and larger units for manufacturing, warehousing and storage. **B1 office development would not be acceptable.**

3. **Flood Alleviation**

- (a) No development shall commence on land below the 22.7 m **AOD** level until such time as the agreed on-site flood scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. This area to be retained as private undeveloped land and managed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences in such areas. **This area shall not be within the employment areas.**
- (b) No development shall take place on the land proposed for on-site flood storage, as indicated on the Flood Risk Assessment Addendum A issued May 2004 until such time as off-site flood alleviation of the site has been provided to the satisfaction of the Local Planning Authority.
- (c) The agreed flood storage area at the eastern end of the site shall be provided prior to the commencement of the proposed relief road.
- (d) In the event of the area the subject of item 3(b) above being released for development, the developer shall make a contribution towards off-site flood alleviation equivalent to the following formula:-

Amount of land within flood plain on **Taunton Trading Estate** (TTE) released for employment development times 25% (to reflect relative land values)

Divided by (÷)

Total land (weighted to reflect relative land values) released for development within the flood plan on the Major Development Site (comprising TTE, caravan site and cider works).

This would give a % contribution from the TTE development.

The said contribution shall be paid to the Borough Council within 14 days of a notice from the Council to the developer that the Council has let the contract for the work.

4. **Transport**

- (a) Prior to the **submission of any future reserve matters applications**, a Transport Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be prepared in consultation with the local bus operators and shall include provision for the phased introduction of a bus service to the development and for the payment where necessary by the developer of contributions to initial operating costs (such sums and time period to be agreed) **together with provision for walking and cycling**. The provision and timing of the strategy to be strictly adhered to as the development proceeds.
- (b) A contribution **equating to 65% of total costs** to be provided towards delivery of a traffic calming scheme on Blackdown View, outside Norton Fitzwarren Community School.
- (c) No dwellings to be occupied prior to **a link to and** the provision of the Relief Road link to Silk Mills Lane via a signal controlled junction. The design of the Relief Road shall be in accordance with details to be submitted to and approved by the Local Planning Authority as Reserve Matters and be to a standard to allow the road to be adopted as maintainable at public expense. The vertical and horizontal alignment shall allow for the future extension of the road onto adjoining land to the west. The road to be constructed to the limit required to provide access to the development hereby approved and land reserved for the future extension of the road to the site boundary. The road shall be extended to the site boundary within 6 months of the issue of outline planning permission for development of land to the west of the site which requires vehicular access to the road.
- (d) The Relief Road shall be linked to the B3227 prior to the occupation of the 300th dwelling.
- (e) A Code of Practice for Construction Traffic shall be submitted to and approved by the Local Planning Authority. Such Code to provide for any access for construction traffic from the B3227 to be via the existing entrance to the TTE only and to provide for an approved 'best endeavours' approach route for vehicles. The approved Code shall be adhered to throughout the construction period.

5. **Recreation**

(a) **Playing field**

The developer shall acquire and donate **to the Borough Council** 2.25 ha of land, **at a location to be agreed by the Local Planning Authority** and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years

maintenance. These figures would be subject to review in the event of the number of dwellings exceeding 500 and to allow for inflation. 5% of the contribution shall be paid by the developer to the Local Planning Authority prior to the commencement of any of the dwellings, a further 50% on occupation of the 125th dwelling and the remaining 45% on occupation of the 250th dwelling. Provision shall also be made for any necessary diversion of overhead lines and provision of access to other potential areas for further playing fields. The dimensions must be a minimum of 120 m x 180 m.

(b) **Childrens Play**

- (i) A NEAP level play facility of 1,000 sq m shall be provided within the eastern part of the housing area. This should be located to be highly visible, but a minimum of 30 m from the nearest dwelling.
 - (ii) A LEAP shall be provided in accordance with current standards within the western part of the housing area. A commuted sum shall be provided for future maintenance associated with these areas.
 - (iii) Prior to the occupation of any of the dwellings, a prominent sign shall be provided on the sites for the NEAP and LEAP. Both sites shall be shown on all plans displayed for potential purchasers. The LEAP and NEAP shall be fully provided prior to the occupation of the 125th dwelling.
 - (iv) Provision shall be made for an artist/designer to consult with local children and young people to agree the design of the two play areas on the site.
- (c) An area of land adjacent to the Back Stream shall be made available for informal recreation and be the subject of a Management Agreement to be submitted to and approved by the Local Planning Authority.
- (d) A contribution from the developer towards improvements to the village hall shall be made in the sum of £20,000. Payment shall be made prior to the occupation of the first dwelling.
- (e) A site of approximately 1 ha shall be identified on the Master Plan for possible Community Uses, (as set out in Policy T13 of the emerging Taunton Deane Local Plan and its supporting text) and reserved for such uses, pending adoption of the Taunton Deane Local Plan. If the Adopted Plan includes a Community Use site elsewhere on the Major Development Site, then the reserved site may be released for residential use. If the

Adopted Plan does not include such a site elsewhere, the developer shall deliver proposals for the Community Uses site which provides facilities for Norton Fitzwarren which will be implemented to an agreed programme.

6. **Education**

A contribution shall be made by the developer of £1,433 per dwelling towards primary and secondary school accommodation (figure to be reviewed at end of September 2004). Contributions to be made on market dwellings only (i.e. not affordable units). Phased payment shall be on the basis of 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied. Any change to the approved number of dwellings beyond that time shall require an appropriate adjustment to the contribution.

7. **Master Plan**

Prior to or along with the submission of the first reserved matters application, a Master Plan which shall be approved by the Local Planning Authority shall be submitted to the Local Planning Authority. The Master Plan shall indicate the location of the following:-

- (a) residential development (private and affordable);
- (b) employment development;
- (c) full and comprehensive indication of the highway, cycleway and footpath networks and bus routes to and through the proposed development;
- (d) on site equipped LEAP's and NEAP's (areas to be indicated);
- (e) area for community facilities;
- (f) on-site flood storage areas;

The reserved matters applications shall adhere to the principles of the Master Plan unless otherwise agreed in writing.

8. **Phasing**

Prior to or along with the submission of the first reserved matters application, a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority for:-

- (a) the release of residential and employment land (to allow for the early delivery of a phase 1 employment site and the remainder to be delivered before the final housing phase);

- (b) the affordable housing provision (including tenures and sizes);
- (c) on-site flood storage areas;
- (d) demolition of existing buildings;
- (e) construction of the highways, cycleways and footways (to have regard to the timing of the provision of the proposed Silk Mills Bridge); and
- (f) community facilities.

The development shall proceed strictly in accordance with the approved phasing scheme, or any variation thereto as may have been agreed in writing by the Local Planning Authority.

9. **Design Brief**

Prior to or along with the submission of the first reserved matters application, a Design Brief for the development shall be submitted to and approved in writing by the Local Planning Authority.

10. **Inflation**

All financial contributions to be index linked to cover inflation.

11. **Increased Dwelling Numbers**

All the above sections (where applicable) to make allowance for any increase in dwelling numbers over 500.

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), the means of access thereto, 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 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.
- 02 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.

- 03 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.
- 03 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 04 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.
- 04 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 Revised Deposit Policies S1 (E) and EN28.
- 05 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.
- 05 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 06 The development hereby permitted shall be begun either before the expiration of 5 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.
- 06 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 07 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.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, 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 a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 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 Revised Deposit Policy S2.

- 09 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 09 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 10 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 10 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 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 Revised Deposit Policies EN5 and EN7.
- 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 metres high, placed at a minimum distance of 2.0 metres 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 boles 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 Revised Deposit Policies EN5 and EN7.
- 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 Revised Deposit Policies EN5 and EN7.
- 14 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.
- 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 Revised Deposit Policy S2.
- 15 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 15 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 16 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 16 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 Revised Deposit Policy M3A.
- 17 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.
- 17 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 Revised Deposit Policy M3A.
- 18 The proposed roads, turning spaces and parking areas shall be constructed in such a manner as to ensure that each industrial building before it is occupied shall be served by a properly consolidated carriageway, turning space and parking area.
- 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 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.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

- 20 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 21 Before any of the industrial buildings hereby permitted are occupied provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority and the areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles.
- 21 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 Provision shall be made for the parking of bicycles at the industrial buildings in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is occupied.
- 22 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Revised Deposit Policy T39.
- 23 Details of the design and appearance of the abutments to the proposed road bridge over the Back Stream shall be submitted to and approved in writing by the Local Planning Authority.
- 23 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 24 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.
- 24 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 25 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the industrial buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority.
- 25 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 26 No refuse or waste materials shall be disposed of by burning on any part of the site.
- 26 Reason: To safeguard the amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E) .
- 27 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.

- 27 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 28 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).
- 28 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

- 29 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 29 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Revised Deposit Policy S1 (A) and (E).
- 30 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 30 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A) .
- 31 No development hereby approved shall be commenced until such time as a scheme for the provision and implementation of compensatory on site flood storage works and its future maintenance has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in accordance with the approved programme and details.
- 31 Reason: To alleviate the risk of flooding in accordance with Taunton Deane Local Plan Revised Deposit Policy EN30.
- 32 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 32 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 33 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base 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%. 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 where possible from accidental damage.
- 33 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 34 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics

consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works

- 34 Reason: To ensure that the proposed development is not adversely affected by road and rail noise in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 35 The mitigation measures for protected species set out in the submitted Environmental Statement shall be carried out as part of the development.
- 35 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 36 A survey for water voles shall be carried out prior to the commencement of development. If water voles are to be affected, mitigation measures shall be submitted and carried out as part of the development.
- 36 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 37 Parking provision in respect of the development shall be made in accordance with the Council's approved standards and such parking shall be constructed or hardsurfaced before the relevant part of the development is occupied.
- 37 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.

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 of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 03 Your attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Chief Planning Officer and/or the Council's Arts Officer in the first instance.
- 04 The submitted Master Plan is for illustrative purposes only.
- 05 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.

- 06 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 07 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.
- 08 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.
- 09 You are advised that Wessex Water PLC infrastructure charges will be applicable to this development.
- 10 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.
- 11 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 12 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).
- 13 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 14 The layout of the site shall take into account the trees which are the subject of a Tree Preservation Order.
- 15 You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme. (Telephone Taunton 356491).
- 16 The Council seeks to achieve a high quality of individual design in new housing development. Your attention is therefore drawn to the enclosed Design Guide, the principles of which must be taken into account when submitting an application for reserved matters.
- 17 You are requested to consider the inclusion of some sheltered accommodation for the elderly in the mix of proposed dwellings.

- 18 With regard to Condition 04, you should use the principles of sustainable drainage methods (SUDS) including the use of swales and water recycling. The proposed details must avoid positive discharge to the Back Stream.
- 19 You are requested to communicate the dates of commencement of construction to Transco (0117 9536842). Care should be exercised when working in the vicinity of gas mains (see plan attached). A Schedule prepared by Transco, which indicates the minimum requirements for the protection of their underground plant is also enclosed.
- 20 You are advised that there are a number of high and low voltage cables and sub-stations within the site which will require diversion. You are advised to contact Western Power (01823 348506) in this regard.
- 21 With regard to Condition 35, although no bat roosts were found, bats can use buildings as hibernation sites during the winter months. Care should therefore be taken during demolition of the buildings - any soffits and barge boards being removed by hand with extreme caution. If possible it would be best to do the work in April or October, so that if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats etc.) Regulations 1994 and it is an offence to damage or destroy a breeding site or nesting place of any wild animal of a European Protected Species. For that reason, if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol. Otters are known to use the Back Stream. The contractors need to ensure that no damage is done to the banks by machinery and to ensure that debris is not allowed to end up in the water. To avoid disturbing the otters that travel along the watercourse, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats etc.) Regulations 1994, which states that it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from DEFRA in Bristol to do so lawfully. Slow worms are protected under Section 9 of the Wildlife and Countryside Act 1981. To avoid possible offences under the Act, English Nature guidelines should be followed.
- 22 With regard to Condition 36, although water voles were not found in the 2002 survey, it is possible that they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use for shelter or protection.
- 23 The following informatives are included at the request of the Environment Agency:- (i) The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system. (ii) All foul drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse. During construction:- (a) 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. (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. (c) Storage of fuels for machines and pumps should be 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. In addition the Agency further comments:- (iv) The summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination the Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. We note that while the risk assessment considers groundwater as a potential receptor it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken. (v) If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

24 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.

25 The following informatives have been requested by Railtrack (now Network Rail):- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from Network Rail. Where children's play areas, open spaces, amenity areas or garage blocks, parking areas are to be sited adjacent to any railway line as in the current proposal a 3.0 metre high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided. (b) The Department of Transport has recommended provision of a safety barrier adjacent to the lineside fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development, and in the interests of safety this should be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and Network Rail is able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated. (c) Additional or increased flows of drainage or

surface water should not be discharged onto Network Rail's property nor into Network Rail's culvert or drains except by prior agreement with them. In the interest of the long-term stability of the railway it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary. In certain circumstances this distance may be varied and the Developer is advised to provide Network Rail with full details of all drainage proposals likely to affect Network Rail's property. (d) No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Network Rail's property. (e) No overall lowering of existing ground levels is to be carried out near Network Rail's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures. In any event alterations in levels must not reduce the effective height of Network Rail's fencing nor undermine its stability. (f) Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro-compaction or the use of driven piles will not be permitted in the vicinity of Network Rail's structures including tunnels, embankments and cutting slopes. (g) It is recommended that all buildings be situated at least 2 metres from Network Rail's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Network Rail's land. Where trees exist on Network Rail's land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Network Rail accept no liability for any damage to new buildings arising from root penetration. (h) The design and siting of buildings within the site should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the " operation of a railway under statutory powers. The Developer should undertake his own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly. (i) If external lighting schemes or illuminated signs are proposed, these may conflict with Network Rail's signalling system and may require additional screening to the railway boundary. In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to them for prior approval, bearing in mind that certain trees such as poplars and other broadleaf deciduous varieties near railway land may be unacceptable. In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Network Rail's boundary fence should, when fully grown, neither prevent maintenance being carried out nor provide a means of scaling the fence or reduce its effective height.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be compatible with National and Local Planning policies which encourage sustainable, mixed use development on previously developed land and in particular the proposal meets the requirements contained in Taunton Deane Local Plan Revised Deposit Policies T10 - T13.

In the event that the Section 106 Agreement not be concluded by 28th October, 2004, permission be REFUSED for the reason that the proposal does not make adequate provision for the delivery of the key elements set out in Taunton Deane Local Plan Revised Deposit Policy T10, which in the opinion of the Local Planning Authority are necessary to ensure the provision of a satisfactory overall development.

2.0 **APPLICANT**

St Modwen Developments Ltd

3.0 **PROPOSAL**

Redevelopment of Taunton Trading Estate, comprising new employment and residential development, construction of part of the Norton Fitzwarren Relief Road, provision of other infrastructure and services, structural landscaping and open space provision.

Appended to this Report at Annexe A is a comprehensive letter from the applicant's agent which accompanied the application. The application was submitted in June 2002 and a number of the issues have changed since then, particularly in relation to the proposals as contained in the Taunton Deane Local Plan.

Details of the proposed access from Silk Mills, via a traffic controlled junction is included with the application. The application is in outline and does not specify the number of dwellings. The proposed employment development will fall within the B1, B2 and B8 categories. There will be a loss of 57,190 sq m of existing floorspace with approximately 10,400 sq m of new floorspace being proposed.

A Master Plan was submitted with the application, which has been amended; indicating the general configuration of the proposed development. At least 500 dwellings are likely on the residential part of the site, which will be in the north and west parts of the site. The area for employment development is in the southern part of the site adjacent to the railway. The applicants envisage a range of units from small starter units (93 sq m/1,000 sq ft) to larger units (743 sq m/8,000 sq ft). An area of 1 ha is reserved for community use at the western end of the site, nearest to the existing village centre.

This would remain reserved until the community uses proposed on the former cider factory come on stream.

The proposal includes the provision of the first part of the Norton Fitzwarren relief road, which would run between the proposed residential and employment areas, enabling access to various part of the site. At its eastern end it will link with Silk Mills Lane via a traffic controlled junction and it will provide a link from Silk Mills Lane to the remainder of the Major Development site at Norton Fitzwarren to the west of the application site. Details of the points of access to the site are included with the application, these being the new junction at Silk Mills Lane and the two junctions onto the B3227.

Accompanying the planning application were an Environmental Statement, a Transport Statement and an Ecological Appraisal of Land Proposed for Flood Storage. An updated Flood Risk Assessment has also been submitted.

4.0 **THE SITE**

The site comprises a trading estate located to the north-west of Taunton and south east of the village of Norton Fitzwarren. The site is bordered to the north by the B3227 road, to the east by open land fronting Silk Mills Lane, by the main line railway to the south and a mobile home park and former cider factory to the west. The mobile home park and the former cider factory site, together with the current application site form the Major Development Site at Norton Fitzwarren in the Taunton Deane Local Plan.

The Estate was originally developed as a World War II tank factory and army supply depot with rail sidings. Since the 1960's the site has been used as an estate for industry, warehousing, storage and distribution. The estate largely comprises former transit sheds serviced by tarmac roads with significant mown grass borders. Land to the south and west of the buildings is currently unused, some buildings having been demolished. Most of the buildings are at the end of their economic and operation life and many are vacant or underused. The poor quality building stock commands low rental levels and has a high turnover of occupiers.

The site covers an area of approximately 25 ha (60 acres).

5.0 **RELEVANT PLANNING HISTORY**

There have been numerous planning applications at the Trading Estate and a schedule of these is included as Appendix B to this Report. Most of these relate to various uses in the existing buildings on the site.

The only application of any great relevance to the current application was 25/1993/026 which was for residential development on part of the site. This application was withdrawn without being determined.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG) 10

Policy SS 1 Regional Spatial Strategy

Policy SS 3: The Sub-Regional Strategy

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

...

Central sub-region

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

...

Policy SS 5 Principal Urban Areas

Policy SS 14: Taunton

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

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

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR1 Sustainable Development

POLICY STR2 Towns

POLICY STR4 DEVELOPMENT IN TOWNS

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

POLICY STR7
IMPLEMENTATION OF THE STRATEGY

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

POLICY 35

AFFORDABLE HOUSING

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

POLICY 39 Transport and Development

POLICY 42

WALKING

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

POLICY 44

CYCLING

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

POLICY 45 Bus

POLICY 49 Transport Requirements of New Development

POLICY 60 Floodplain Protection

Somerset and Exmoor National Park Joint Structure Plan Alteration Deposit Draft

POLICY STR1 Sustainable Development

POLICY STR2 Approach to the Spatial Strategy

POLICY STR3 Taunton

POLICY STR7

IMPLEMENTATION OF THE STRATEGY

To ensure that development in Somerset and the Exmoor National Park is implemented in a way that meets the ~~sustainable development~~ aims and

objectives of the Spatial Strategy, development should fairly and reasonably contribute towards the provision of relevant community services and facilities, environmental improvements and infrastructure, that are directly related to and necessary for the development to proceed.

POLICY 1 Nature Conservation

POLICY 34 Planning

POLICY 35

HOUSING NEED

Local Authorities should undertake a comprehensive assessment of housing need within their area, and formulate policies in order to:

- meet identified need for a mix of size, type, cost and tenure of housing in order to provide balanced communities; and
- secure "affordable" housing to meet the particular needs of people without the means to buy or rent on the open market. This provision should be available and affordable to successive occupiers.

In areas outside the Exmoor National Park, where there is a high unmet demand for affordable housing, Local Authorities should seek to reduce the thresholds above which an affordable housing element will be required. Within the Exmoor National Park, the Local Development Framework should provide a detailed mechanism for the delivery of affordable housing commensurate with identified local needs, to accord with Policy 33 of the Structure Plan.

POLICY 42

WALKING AND CYCLING

Facilities for pedestrians and cyclists should be improved by maintaining and extending the footpath and cycle network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe and convenient use. New development should achieve good connections into the existing cycling and pedestrian networks, and add to the facilities available as identified in the Local Transport Plan. Local Development Frameworks and where other appropriate opportunities arise.

POLICY 45 Bus

POLICY 48 Access and Parking

POLICY 49 Transport and Development

POLICY 60 Floodplain Protection

Taunton Local Plan

The site is within the area covered by the Taunton Local Plan which was adopted in 1986. There are no policies in this Plan which are of direct relevance to the proposed development.

Taunton Deane Local Plan Revised Deposit (including Proposed Modifications)

POLICY S1 General Requirements

POLICY S2 Design

POLICY S3 Energy Conservation

POLICY S4 Proposals incorporating a mix of uses will be permitted, provided that:

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

Proposals forming part of a larger mixed use allocation (policies T2, T5, T10, T16, W2) Will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure.

POLICY H1 Housing with Classified Settlements

POLICY H2 Energy Efficient Dwellings

POLICY H12

On housing sites which meet the following criteria, the provision of affordable dwellings will be sought:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and ~~at least 0.5 hectare in size or is proposed for at least 15 dwellings;~~
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining ~~the financial viability of the scheme and~~ other important planning requirements. ~~Where it would be impractical to provide affordable housing on a site which meets criteria A or B, a contribution to the provision of affordable housing nearby will be sought.~~

POLICY H12A

H12a 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
...		
Norton Fitzwarren	T`11	35% 20%
...		

POLICY H21 Designing out Crime

POLICY EC7a ~~Beyond Taunton and Wellington~~ the town centres, the vitality and viability of local service provision within Taunton and Wellington will be maintained and enhanced and the level and diversity of such facilities improved. This will be achieved as follows:

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

POLICY M1 Access Requirements

POLICY M2 Car Parking

POLICY M3 Residential Car Parking

POLICY M3a Residential Car Parking

POLICY T39 Cycling

POLICY M4 Traffic Calming

POLICY C1 Education Provision for New Housing

POLICY C4 Standards of Recreational Open Space Provision

POLICY EN4 Wildlife in Buildings to be Converted or Demolished

POLICY EN4a Protected Species

POLICY EN30a Land with little or no risk of flooding will be the priority location for development. Where material planning considerations dictate that development cannot be located on land with little or no risk of flooding, the preference for site selection will be as follows:

Land with low to medium risk of flooding; followed by

Land with a high risk of flooding, in the following order of preference:

Developed areas; followed by

Undeveloped and sparsely developed areas; followed by

Functional flood plains.

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

Within Taunton and its associated settlements: 1 in 200 year; or Elsewhere: 1 in 100 year.

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

POLICY T10, POLICY T11, POLICY 12, POLICY T13 These policies related to the Major Development Site at Norton Fitzwarren of which the current application site forms a part. The policies and the supporting text from the Revised Deposit and the Proposed Modifications are set out as appendices C and D to this Report.

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

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 - General Policy and Principles

Paragraphs 4 - 7 Sustainable Development

Paragraphs 8 -12 Mixed Use

Paragraphs 13 - 20 Design

Paragraph 21 - 22 Planning for Industry and Commerce

Paragraph 23 Land Use and Transport

Paragraph 24 Planning for Housing

Paragraphs 36 - 38 Planning Obligations and Conditions

Paragraph 40 Plan-led System

Paragraph 48 Prematurity

Paragraphs 50 - 54 Other Material Considerations

Paragraphs A1 - A7 Handling of Design Issues

PPG3 - Housing

Paragraphs 3 - 7 Providing Sufficient Housing

Paragraphs 9 - 11 Creating Mixed Communities - influencing the type of size of Housing

Paragraphs 12/13 Assessing Local Housing Needs

Paragraph 14 A community's need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies and in deciding planning applications involving housing. Where there is a

demonstrable lack of affordable housing to meet local needs - as assessed by up-to-date surveys and other information - local plans and UDPs should include a policy for seeking affordable housing in suitable housing developments.

Paragraph 21 Maintaining a Supply of Housing

Paragraphs 22/23 Re-using Urban Land and Buildings

Paragraphs 46-64 Creating Sustainable Residential Environments

PPG4 – Industrial Commercial Development and Small Firms

Paragraph 13 Development Control – A Positive Approach

Paragraphs 14 -18 Mixed Uses

Paragraphs 21 - 23 Re-use of Urban land

Paragraphs 27 - 31 Imposition of Conditions

PPG13 - Transport

Paragraphs 4 - 6 Objectives

Paragraphs 12 -1 7 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

PPG17 - Sport and Recreation

Paragraphs 20/21 Planning Agreement

PPG17 - Sport, Open Space and Recreation Consultation Paper for Revision

Paragraphs 12 - 15 Role of Recreation Facilities

Paragraphs 40 - 54 Planning for New Recreational Facilities

Paragraphs 61/62 Planning Obligations

PPG 25 - Development and Flood Risk

Paragraphs 27 - 34 Risk-based Approach to the Sequential Test

Paragraphs 35/36 Previously Developed Land

Paragraphs 40 - 42 Sustainable Drainage Systems

8.0 **CONSULTATIONS**

County Highway Authority

“I have received and checked the transport assessments relating to the proposed development and considering the issues raised there is no objection in principle to the redevelopment of this site for employment and residential development purposes.

In detail, primary access to the site will be achieved via a signal control junction onto Silk Mills Road. This junction has been designed to incorporate the Bindon Road junction. You will be aware of the North West Taunton Package proposals, which include a new bridge over the railway at Silk Mills Crossing. It may therefore, depending on the relative timescales of the two projects, be necessary to build an interim arrangement junction to cater for the development prior to the construction of the bridge. The principle of this has been agreed.

As well as providing the access, the development will also contribute to off-site works required to facilitate bus, cycle and pedestrian travel to and from the site, the North West Taunton Package (Silk Mills Bridge) and traffic calming through the village of Norton Fitzwarren. All of these requirements are set out in the Taunton Deane Local Plan Deposit Draft and the required considerable contribution will be subject to further negotiation. A contribution together with the junction design and other off-site works need to form part of a Section 106 Agreement to secure their design construction and funding. In addition the following condition should be attached to any consent securing the detail of the internal estate road:-

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

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

This has been superseded by the Local Plan Inspector’s Report in terms of the contributions to the North West Taunton Package proposals.

County Education Officer

- “1. **The Draft Local Plan** in respect of Norton Fitzwarren has been through a number of changes, from 450 dwellings originally envisaged in a consultation draft to the current 1,050 in the latest plan changes, prior to the Local Plan Inquiry which has recently finished. This application would appear premature until the Inspector's report is received, any further changes considered and the Plan Adopted.

2. **The provision of potential additional primary school** provision has also needed to be kept under review over this period. Various discussions have been held with the Primary School Governors and implications considered such as the establishment of another primary school, closure/redevelopment/ relocation of the present school site with a larger new school or expansion of the existing village school. These options were considered by the County Council's Executive Board in July 2000 and a copy of this report is attached for your information, also St Modwen as applicants, to whom I am copying and sharing this information.

3. **The County Council's Local Education Authority's decision** is that the existing Voluntary Controlled Church School which was only replaced in 1987 onto its present site adjoining the Church, on an area of the former army camp, should be retained (the 30 year loan for the new school buildings is still being repaid) and it will be physically possible to extend the present school on its existing site. A phase of the school was built in 1987 consisting of the core hall, admin, resources area and 3 classrooms, together with another 4 classrooms in temporary construction. Following informal discussions with District and County Planning Officers, it is envisaged that the existing school maybe expanded with building extensions onto the existing playground area, the playground to be replaced and extended onto part of the present playing field and staff car parking commensurately increased annexing part of the present playground as per the concept sketch herewith. Whilst some restricted playing field space is envisaged to be retained on the existing site, although not sufficient for a pitch, a detached playing field pitch with fenced access path is envisaged off Burnshill Drive, as per requested changes to the Draft Plan and plan herewith.

4. **Recent History of Existing Primary School** A few years ago the school had as many as 208 pupils. Whilst there has been an increase in the number of dwellings proposed for Norton Fitzwarren, the pupil numbers at the local school which were 208 in 1997 have subsequently

reduced to 130 pupils in September 2002. There are presently 129 actually on roll, 125 were previously forecast, 5 classes and 128 are forecast by the year 2006 as per the highlighted extract from the Somerset School Organisation Plan (SOP) 2002/2006 herewith. The very latest internal forecast just published last month now forecasts 138 by the year 2006 and 142 in 2007. These forecasts are based on known birth and vaccination statistics and do not take account of any housing proposed in the Local Plan, which is still only a Draft Plan and not adopted.

5. **Planning of School Places** Somerset works on the basis for primary school planning purposes that 150 dwellings of average mixed development may be expected to produce 30 pupils/l class of children. The currently proposed 1,050 dwellings may be expected to produce a need for 7 classes of accommodation which added to the 142 pupils/5 classes by 2007 might be expected to produce the need for a 12 class school in due course, possibly 13 class basis with smaller reception classes.
6. **The St Modwen Trading Estate proposal** is only an outline application at this stage. The accompanying information from Roger Tym and Partners suggests it will involve in excess of 500 dwellings. In accordance with the policy in the Draft Local Plan and the applicant's reference to infrastructure including primary and secondary school accommodation and potential S106 planning obligation agreement, I propose that an assumed figure of 500 homes be included in an S106 agreement, together with a pro rata contribution payment in respect of any dwellings exceeding this number. However, because the permanent school's central library/resources area was comparatively small, it has been recently changed to a new IT suite, the library transferred to an outside temporary Elliott classroom and another temporary classroom is used for SEN pupils with only 3 permanent and 2 other temporary class bases and is organised with and a capacity for only 150 pupils. These existing deficiencies will be a matter for the County Council as Local Education Authority to address via a bid for separate capital funding and likely to be included at the same time as the school needs to be expanded to serve the additional housing.
7. **Basis For Negotiation** The County Council anticipates a building cost figure of £105,000 per classroom including associated facilities (circulation space/ toilets/expanded staff and admin accommodation, expanded IT suite/ resources area/car parking and professional fees etc) £350,000 assuming 500 dwellings which would be equivalent to £700 per dwelling. This requirement might be reduced to take account of any specific low cost affordable housing provided by a recognised social landlord (not low cost' speculative or equity housing) and this proportion will need to be discussed.
8. **Existing Primary School Capacity** The existing village school has an MOE (more open enrolment) capacity for 175 pupils. A new

Government 'net capacity' basis comes into effect from September 2003, this figure being notionally 180 places but 150 places as locally organised. Somerset has a policy of local schools for local children and designated catchment areas. In general, whilst the SOP "lay appear to show that other local schools, for example Staplegrove, may have vacant capacity, this is not in surplus permanent accommodation and there is generally still a deficiency of sufficient accommodation at other schools in permanent buildings. Assuming the Norton Fitzwarren development will proceed and during the time it will be implemented, the new school is due to open this September 2003 to serve the nearby village of Cotford St Luke. This is being built as a 4 class/120 pupil school plus early learning provision. At the time of writing parents of 59 pupils have expressed an interest in their children starting this September and numbers are still rising. The new Cotford school's accommodation is forecast to be exceeded with 131 pupils by 2005 and 168 by year 2007. These figures are necessarily, more speculative being a new village. The Cotford School site has been planned to enable the school to be expanded from 4 to 7 classrooms, as the village continues to grow and families move in and become established. Therefore whilst there may be some vacant capacity in the first year or so, that school will need to be separately farther extended, probably by the time the Norton Fitzwarren development proceeds and it will not otherwise have spare accommodation.

9. **Retaining School Playing Field Provision** The average figure of £125,000 per classroom previously mentioned does not account for any cost in respect of a detached playing field. Land close to the school has after investigation unfortunately proved to be unsuitable because of implications affecting Norton Hill Fort, its setting and for reasons of topography. A preliminary approach has been made to the Ministry of Defence in respect of the designated site, a comparatively level field off Burnshill Drive, but no specific negotiations will be entered until it is certain the Local Plan allocation for Norton Fitzwarren will be approved. A preliminary assessment estimates that the cost of land acquisition, development of the playing field, fencing and the access path is likely to cost in the region of £52,500. This expenditure will only arise as a consequence of the proposed additional housing. It is therefore considered that this cost should also be reflected in the S106 requirement, which if aggregated based on about 1,050 dwellings would amount to a further cost of about £50 per dwelling assumed 500 dwellings equivalent to £25,000.
10. **Secondary Education** Norton Fitzwarren is within the catchment of Ladymead School. Whilst some building works have recently been carried out to provide permanent classroom extensions to replace temporary accommodation, there will still be insufficient capacity to accept additional pupils from proposed housing at Norton Fitzwarren without further expansion of the school. This is physically possible to extend the buildings on the main school site. Whilst the statutory grass playing field area is restricted, with the opening of the new Wellsprings

sports centre and reallocation of the former Bishop Fox's detached school playing field off Corkscrew Lane for the benefit of Ladymead School, the school will have a sufficient site area to enable further building extensions to be carried out. Secondary school classrooms with more specialist accommodation is more expensive to build pro-rata than primary provision, typically £125,000 per classroom. On the basis that Somerset LEA is no longer responsible for 6~ form provision, secondary school planning is on the basis that 210 dwellings are equivalent to a class of 30 pupils/£595 per dwelling. Based upon an assumed 500 dwellings, without allowance for affordable social housing, as a guide this gives an estimated contribution of £297,500.

11. **Other Factors** It is appreciated that the trading estate is a 'brownfield' Site which will have its own development liabilities and that there are a number of other requirements such as affordable housing and transportation requirements including part of the bypass, contribution towards Silk Mills bridge and public transport measures. Separately, with the increase in size of the primary school, traffic calming measures are also envisaged in the vicinity of the present site along Blackdown View also to link new paths and cycleways with the development. The latter will be dealt with by other highway colleagues via Jeff Copp.

12. **The phasing of payments** is a matter which may be negotiated. Assuming 500 dwellings the total education payment sought is £672,500 (excluding any specific affordable social housing) equivalent to £1,345 per dwelling. Bearing in mind the other infrastructure requirements, I suggest that an initial payment of £201,750 be made consequent to the occupation of each 150 further dwellings and then £134,500 per occupation of each subsequent 100 dwellings. The final payment prior to the occupation of the last 50 dwellings, this to save a proliferation of small invoices and ensure the final payment is due before housing developers, to whom the site is likely to be sold on, leave the site. This matter will also be needed to be considered in relation to other developments, particularly the Prings Caravan Site application which I understand has been withdrawn and further subsequent applications in the area of the Matthew dark's former cider factory area and the 'greenfield' land towards Ford Farm. These phased payments will need to be subject to an inflation index provision -1 suggest to apply 12 months from the signature of the agreement in accordance with the RICS/BCIS General Cost Building Index. Also because of significant inflation on school building contracts, because of the volume of work to meet existing deficiencies being funded by the Government, if this application is not determined by (say) the end of June this year, then I may need to review the average cost per classroom and associated sum per dwelling.”

The following comments were received from the applicants:-

“We have noted the details related to existing and forecast numbers of pupils at the Primary School. It appears that there will be around 40

spaces available on the government's "net capacity" basis before new accommodation is required, and this should be reflected in the contribution calculation. Similarly, the calculation should be based on the eventual numbers of dwellings and also deduct the social housing element.

We accept the cost figure of £105,000 for a Primary classroom and £125,000 per Secondary classroom. We also accept the playing field cost of £52,500. On this basis, and when the number of dwellings is fixed it will be a simple mathematical calculation. We also accept the principle of payment phasing based on 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied."

The following further response was received from County Education:-

"The basis for a potential S 106 planning obligation appears to be generally agreed and I can accept the phasing arrangements for payments which you have suggested in your second main paragraph in italics. The guide-cost figures of £105,000 for a Primary classroom and £125,000 per additional Secondary classroom are current estimates. There should be provision in any agreement to cover inflation from this date. It may still be some time until a planning application agreement is approved and completed because currently the Local Plan inspector's report is still awaited and I understand expected later this summer following the Public Inquiry. I would suggest the inflation provision should be in accordance with the RICS/BCIS general cost inflation index which is reviewed quarterly and payments to be adjusted pro rata to the phased tranches of payments. Not knowing the final number of dwellings which may be approved when detailed full applications are submitted, the inflation provision could be calculated from the base figures of £700 per dwelling related to the Primary classroom cost of £105,000 plus £50 per dwelling related to the need for a detached playing field, sub-total £750 per dwelling for Primary education and £595 per dwelling for Secondary education on the basis of 210 dwellings per classroom – i.e. a total of £1,345 per dwelling. Any proportionate number of specific affordable social housing (not so called lower cost affordable speculative market housing) to be deducted from the total number of dwellings to which the payments will apply.

Regarding your first paragraph in italics, it is not agreed that there are presently around 40 vacant places at the local Primary School, nor that the contribution should be reduced accordingly. Whilst the pupil-numbers at the School have reduced in line with national and local birth trends and social factors, this accommodation is in temporary Elliott classroom buildings which the Authority might normally otherwise remove for use at a school elsewhere or demolish and remove entirely from site. These temporary buildings have a limited life expectancy of no more than about 25 years, which in turn is reduced by about 5 years every time they are relocated. The School has only 3 classes/90 spaces in specific permanent buildings. The proposed new housing will be permanent homes.

A contribution should therefore be made in accordance with the advice in Planning Circular 1/97 as a contribution towards additional permanent classroom facilities at the local School to provide for the additional demand created from the occupation of the new dwellings by new families.

Regarding Secondary education, the local Ladymead Community School covering this catchment area has a present more open enrolment (MOE) capacity for 839 pupils as at January 2002 from figures published in the current Somerset LEA School Organisation Plan 2002-2006. This coming September 2003 it is anticipated that 948 pupils will be on roll, reducing slightly to 904 by 2006. This is as the reduction in present primary-age pupils begins to feed through into the Secondary system. However, these figures do not take account of the potential 1,070 houses proposed in what still remains the Draft Local Plan including the Norton Trading Estate site.

Presently there are 751 pupils in permanent accommodation and 89 pupils in four small temporary classrooms and a drama space. The Council is proposing to replace some temporary accommodation but because of funding constraints only those buildings in the poorest condition. A new second storey permanent building with three replacement and two additional classrooms will go some way to dealing with the present inadequacies. The basis of schools capacity figures has been changed (again) by the Government to a new net capacity basis. One temporary classroom and temporary drama space will remain with a capacity for 45 pupils. New and existing permanent net capacity will be 855, plus 45 temporary, total 900. You may note this will be less than the 948 pupils expected to be on roll this coming September. Some other existing temporary community accommodation is being transferred to school use and as I draft this letter today the Education Department is in discussion with the school about these figures and a further revision to the capacities figures for Secondary Schools in Somerset is being discussed within the Education Department. This is likely to further marginally reduce capacities to conform with the Government's Department for Education and Skills method of calculation. These new classrooms will only go some way to meet the existing catchment area requirements, not any proposed additional housing development.

I will of course be pleased to provide you with the latest available information when it is confirmed and we may discuss the implications. However, it is unlikely to make any significant difference to the basis for any S 106 financial contribution. Hopefully this provides the information required which I am sharing with John Hamer at TDBC. I will be pleased to discuss the details whilst the development evolves."

Environment Agency

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

- (1) Current data indicates that the phasing plan is not appropriate. Analysis of flooding from the Halse Water gives a 200 year flood level of 22.7 m AOD. This gives a significantly larger flood footprint than that indicated on Figure 4 -Phasing Plan and impacts on the area of the phase 1 residential.
- (2) The proposal suggests that the spine road linking the site to Silk Mills Lane be constructed post the 125th dwelling. The Agency advise that the existing primary access road to the site (B3227) is subject to frequent flooding in the vicinity of Cross Keys. The proposed spine link should therefore be constructed PRIOR to occupation of any dwelling to meet the requirements of PPG25.
- (3) We advise that this application is premature pending:- (i). receipt of the ES and flood risk statement; (ii) the Inspectors Local Plan Report.

Should the Agency's objection to the proposal subsequently be overcome, the Agency would seek the application of the following conditions:-

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles 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: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base 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%. 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 where possible from accidental damage.

REASON: To prevent pollution of the water environment.

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

The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system.

All foul drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

During construction:-

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. This Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be 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.

In addition the Agency further comments:-

The summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination the Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. We note that while the risk assessment considers groundwater as a potential receptor it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken.

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

Following further submissions the following further response was received:-

“The Agency notes that the revised outline application has amended the red line boundary.

The Agency has no objection to the revision provided it does not preclude the applicant from providing the relief road connection to Silk mills Lane.

In line with the Agency evidence at the Public local Plan Inquiry, the following Conditions are appropriate.

CONDITION: No development approved by this permission shall commence below existing ground levels of 22.7m AOD until such time as flood mitigation works to the Halse Water have been provided to the satisfaction of the LPA.

REASON: To prevent the increased risk of flooding.

CONDITION: No development approved by this permission shall be occupied until such time as that section of the relief road connecting the approved development to Silk Mills Lane has been constructed and is fully operational - all to the satisfaction of the LPA.

REASON: To ensure a safe highway link to the development in times of extreme flood risk in accordance with the aims of PPG25.

CONDITION: 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.

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

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.”

The following letter was subsequently received from the Agency:-

“With reference to your synopsis of the situation at Taunton Trading Estate ..

1. The Agency letter of the 29th Jan 2003 indicated 2 No. conditions:-
 - (i) A Grampian Condition relating to flood risk mitigation from the Halse Water
 - (ii) A Grampian Condition relating to surface water disposal.

This advice was given in the belief (in hindsight, misguided) that the Halse Water flood mitigation issue had been resolved .

Following the Inspectors report, the provision of the off-site mitigation is now uncertain and the impact of any flood mitigation works within the Taunton Trading Estate site should be scrutinised in a different light. Any proposal for on-site storage should therefore be considered as a permanent facility.

2. The Agency has just received a proposal from the applicant for on-site storage which is considered unsatisfactory.

- (i) there are no proposals for a formal intake or discharge, from, and to the Halse Water.
 - (ii) we are not certain of the effects of ground water on the storage capacity.
 - (iii) we have seen no calculations to back up the proposed storage provision.
3. We would bring to your urgent attention that the storage facility is also indicated as 'Major Equipped Play Area' on the masterplan. As this site, acting as a flood storage reservoir, has the potential to flood up to a depth of approximately 1.0 metre the Health & Safety implications point to this dual use proposal as unacceptable. If the Public Open Space is relocated there will be knock-on effects on either, employment or residential provision. On this basis, is it acceptable to cover the flood storage proposal by condition until its impacts on other land use have been resolved to the satisfaction of the Local Planning Authority?
4. From a management perspective, who would be responsible for the future maintenance of the storage facility? As it is shown as Public Open Space the implication is Taunton Deane Borough Council. Is this acceptable?
5. In respect of the suggested restriction by St Modwen of the Silk Mills Link Road. Our Joint aim should be to promote sustainable development, which provision of a flood free route for new and extant development would clearly be. Such a restriction could be construed as contrary to that aim.”

Following the submission by the applicants of additional information the following further response was received.

“The Agency advised the Local Planning Authority on what it considered were appropriate conditions for the outline application in our letter dated 29th Jan 2003. One Grampian condition in that letter related to the provision of compensatory flood storage works. Following Mr J Hamer's fax of the 16th February, 2004 and the Applicants proposal for flood storage replacement, the Agency advise that the following revised condition is now appropriate.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works and maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.”

Railtrack Technical Directorate (now Network Rail)

“With reference to the above planning application brief details of which have been sent to me for my comments. Whilst I have no objection in principle to

the proposed development, I set out below for your information and guidance my requirements for the safe operation of the railway and the protection of Railtrack's adjoining property. Please include these requirements at the detailed planning stage.

1. FENCING

- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from this office. Where children's play areas, open spaces, amenity areas or garage blocks, parking areas are to be sited adjacent to any railway line as in the current proposal a 3.0 metre high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided.
- (b) The Department of Transport has recommended provision of a safety barrier adjacent to the lineside fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development, and in the interests of safety I trust that this will be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and I am able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated.

2. DRAINAGE

Additional or increased flows of drainage or surface water should not be discharged onto Railtrack's property nor into Railtrack's culvert or drains except by prior agreement with this office. In the interest of the long-term stability of the railway it is recommended that soakaways should not be constructed within 10 metres of Railtrack's boundary. In certain circumstances this distance may be varied and the Developer has been advised to provide me with full details of all drainage proposals likely to affect Railtrack's property.

3. SAFETY

No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Railtrack's structures and adjoining land. In particular the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Railtrack's property.

4. BOUNDARY

No part of the area included in the development is within Railtrack's boundary.

5. ACCESS

No part of the area is used as an access to the railway line.

6. GROUND LEVELS

No overall lowering of existing ground levels is to be carried out near Railtrack's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures.

In any event alterations in levels must not reduce the effective height of Railtrack's fencing nor undermine its stability.

7. SUPPORT

Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro-compaction or the use of driven piles will not be permitted in the vicinity of Railtrack structures including tunnels, embankments and cutting slopes.

8. SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from Railtrack's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Railtrack's land. Where trees exist on Railtrack's land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Railtrack accept no liability for any damage to new buildings arising from root penetration.

9. ENVIRONMENTAL ISSUES

The design and siting of buildings within the site should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of a railway under statutory powers. The Developer should undertake his own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly.

10. LIGHTING

If external lighting schemes or illuminated signs are proposed, these may conflict with Railtrack's signalling system and may require additional screening to the railway boundary.

11. LANDSCAPING

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

for prior approval, bearing in mind that certain trees such as poplars and other broadleaf deciduous varieties near railway land may be unacceptable.

In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Railtrack's boundary fence should, when fully grown, neither prevent maintenance being carried out nor provide a means of scaling the fence or reduce its effective height.

12. The section 106 Agreement

With regards to the provision of the Silk Mills Railway Bridge this will involve the Outside Parties Engineer, it is my understanding that a Works Agreement will be required when this is pursued.

In general Silk Mills Road traffic can build up when the Level crossing barriers are lowered, due consideration is required to the traffic flows across this crossing during construction of the site and associated relief road works. Early arrangements with Railtrack are advisable via the Out Side Parties Engineer.

Railtrack Property (now Network Rail)

“ The provision of a bridge over Silk Mills level crossing is identified as part of the North West Taunton Transport Package and inter alia an integral element of the proposals for the Norton Fitzwarren Major Development Site (MDS). The linkage between the proposed bridge and the MDS is recognised in both the draft Development Guide and the emerging Local Plan.

However, the determination of the above application at this juncture raises important questions in respect of the phasing and deliverability of the MDS as a whole. In particular, the extent to which development may be brought forward in advance of supporting infrastructure, namely the bridge over Silk Mills level crossing.

Accordingly, I refer to the Inquiry evidence of WS Atkins (P/SCC/41) on behalf of the Highway Authority which recognises at paragraph 15 that whilst the development at Norton Fitzwarren can commence before completion of the bridge, capacity constraints mean that it is not practical to develop the MDS in full without such provision.

The Transport Assessment submitted in support of the application reflects this view, stating at paragraph 6.52 that although Phase I of the current application (consisting of 125 houses) could be completed in advance of the bridge, the results of capacity tests show that both Silk Mills and Cross Keys roundabouts would by 2004 be operating either close to, or over capacity.

It appears from this analysis that the provision of a bridge over Silk Mills level crossing would likely be required in order for the redevelopment of Taunton Trading Estate to proceed beyond Phase 1.

Furthermore, and more significantly, the application seeks to secure consent for the development of additional phases of the redevelopment consisting of 375 residential dwellings and some 112,000 square feet for new employment uses.

Consequently, it is clear that such phases are not capable of implementation until the bridge is provided, and as the applicant cannot provide certainty regarding the deliverability of the bridge it is evident that that the wider proposal (beyond Phase 1) cannot be achieved, thereby constituting a significant reason for refusal.

Moreover, I note that issues relating to deliverability and certainty are also addressed at paragraph 24 of the Inquiry evidence of WS Atkins. This concedes that despite receipt of Government funds the completion of the bridge is in the hands of the Norton Fitzwarren developers from whom contributions will be required.

In this context, I refer to the Inquiry evidence of Donaldsons (P/TD/222) relating to the viability and deliverability of the MDS. Paragraph 3.12 states that the estimated cost of the new bridge is £10.6m of which it is anticipated that the Norton Fitzwarren developers would contribute some £1m. This represents a substantial increase in the cost of the scheme from the estimate set out in Annexe 6 (North West Taunton Package - NATA Assessment) of the Local Transport Plan for Somerset (2011 - 2006).

On this basis, it is unclear how any shortfall in the cost of providing the bridge beyond such Government funds identified above will be met. In the event of planning permission being granted in this instance, it is also unclear how the level of developer contribution will be set, and more importantly, by what date, if at all, the remainder of the MDS will be delivered and thereby contributions secured and the bridge completed.

In so far as an element of the cost of the bridge is to be met by the Norton Fitzwarren developers, this can only be guaranteed (with any certainty) as part of an application for the comprehensive redevelopment of the MDS as opposed to the piecemeal development proposed here.

Accordingly, it is submitted that planning permission for this application should be refused, on the following grounds:

- (i) The capacity of the existing highway network, prior to the provision of a bridge over Silk Mills level crossing is only sufficient to accommodate Phase 1 of the proposed development;
- (ii) The funding for the bridge is partly dependent upon contributions from the Norton Fitzwarren developers; therefore the piecemeal development of the MDS provides little certainty regarding the delivery of the remaining elements and thereby the required level of contributions necessary to ensure the provision of the bridge.

- (iii) The estimated cost of the bridge appears to have increased significantly and it is unclear as to how any shortfall in funding will be met.

In conclusion, it is submitted that only an application for the comprehensive redevelopment of the Norton Fitzwarren MDS can deliver certainty in respect of the provision of a bridge over Silk Mills level crossing. The piecemeal development proposed, whilst dependant on the bridge beyond Phase I, provides no guarantee as to the completion of the bridge itself. On this basis, the grant of planning permission in respect of this proposal could potentially prejudice the future operation of the highway network and should therefore be resisted.”

The following supplementary response was also submitted:-

“Further to the analysis of the viability and deliverability of the Norton Fitzwarren Major Development Site (MDS) contained therein, I attach a copy of recent correspondence from Somerset County Council dated 30th January 2003, which provides details of the current funding situation in respect of Silk Mills Bridge. This demonstrates that estimated costs have again increased substantially and cannot be met solely by secured funding.

The County Council estimate the total cost of delivering the project at £12,600,000. However, the attached letter illustrates that only £10,367,000 of secured funding is available (consisting £10,167,000 capital from Central Government and Somerset County Council, and £200,000 capital from Taunton Deane Borough Council), this results in a shortfall of £2,233,000.

Whilst the County Council's letter identifies contributions of some £1,000,000 to be sourced from developers and an additional £500,000 which has been requested from the Government Office South West for identified flood mitigation works, these amounts are unsecured and in any event, if they were to come forward would not meet the total estimated cost of the project.

On this basis, it remains unclear how any shortfall in the cost of providing the bridge beyond such funds as are identified above will be met. In the event of planning permission being granted in this instance, it is also unclear how the level of developer contribution will be set, and more importantly, by what date, if at all, the remainder of the MDS will be delivered and thereby further contributions secured and the bridge completed.

Accordingly, in so far as an element of the cost of the bridge is to be met by the Norton Fitzwarren Developers, this can only be guaranteed (with any certainty) as part of an application for the comprehensive redevelopment of the MDS as opposed to the piecemeal development proposed here.

Accordingly, the thrust of our previous submission is reiterated, namely, that planning permission for this application should be refused, on the following grounds.

- (i) The capacity of the existing highway network, prior to the provision of a bridge over Silk Mills level crossing is only sufficient to accommodate phase I of the proposed development (see previous submission dated 31st October 2002);
- (ii) The funding for the bridge is partly dependent upon contributions from the Norton Fitzwarren Developers; therefore the piecemeal development of the MDS provides little certainty regarding the delivery of the remaining elements and thereby the required level of contributions necessary to ensure the provision of the bridge;
- (iii) The estimated cost of the bridge appears to have increased significantly and it is unclear as to how any shortfall in funding will be met.”

The content of these letters has been effectively superseded by the Taunton Deane Local Plan Inspector removing from the Plan the requirement for the Norton Fitzwarren Major Development Site, which includes the site the subject of the current planning application, to provide contributions towards the proposed Silk Mills Bridge.”

Wessex Water

“The development is located within a foul sewerage 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.

The developer has proposed to dispose of surface water to the existing system and the nearby watercourse. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Provided there are no abnormal demands, there will be sufficient capacity available to cater for this development. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. “

Transco

“We acknowledge receipt of your inquiry on the 16/07/02, and return herewith one copy of our drawing which we have indicated the approximate position of existing gas mains and would request that care is exercised when working in the vicinity of these mains.

In this respect our schedule is also attached which indicates the minimum requirements for the protection of our underground plant, and your attention is also drawn to the liability clause stamped on the plan.

We do not show service pipes on our drawing but their presence should be anticipated. Where the site is indicated as being fed by another Private Gas Transporter (PGT) you should contact that company for details of their mains as we do not hold these on file.

Will you please inform us of your actual date of commencement as soon as possible. If necessary arrangements can be made for our staff to inspect our plant on site as work progresses..”

Western Power Distribution

There are 3 ground mounted 11 kv sub-stations, 11 kv underground cables crossing below Back Stream and low voltage lines crossing above Back Stream which will need deviating if the development is to proceed.

Avon & Somerset Constabulary

No adverse comments to make.

Chief Fire Officer

“1. Means of Escape

Means of Escape in Case of Fire should comply with approved Document B, Part 1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulation stage.

2. Access for Appliances

Access for fire appliances should comply with Approved Document, Part B5 of the Building Regulations 2000. Additionally it is recommended the standards detailed in Guidance Note 10 attached, are adopted where they are higher.

3. Water Supplies

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

English Nature

“Thank you for sending English Nature a copy of the Environmental Report of the Taunton Trading Estate, Norton Fitzwarren, Taunton. Having read the

report English Nature would wish to make the following comments on the protected species issues.

Badgers

We are pleased to note that the badger sett in the southwest corner will be protected during the development process. Badgers were given considerable protection under the Badgers Act 1973 and its subsequent amendments. The Badgers Act 1991 extended this protection to badger setts by creating an offence of "interfering with a badger sett". The provisions of these Acts are now combined in a consolidation Act - The Protection of Badgers Act 1992.

Bats

We note that although bats were seen foraging over the site no bat roosts were found. However, as bats can use buildings as hibernation sites (hibernacula) during the winter months, care should be taken during demolition of the buildings - any soffits and bargeboards being removed by hand with extreme caution. If possible it would be best to do the work in April or October, therefore, if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats & c.) Regulations 1994, it is an offence to damage or destroy a breeding site or resting place of any wild animal of a European Protected Species. For that reason if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol.

Otters

Otters are known to use the back stream, and although I understand the development will not have a direct impact on the stream some precautions need to be taken. The contractors need to be made aware of the presence of otters and they need to ensure that no damage is done to the banks by machinery, and to ensure that debris must not be allowed to end up in the water. To avoid disturbing the otters that travel along the water course, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats & c.) Regulations 1994, it states it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol to do so lawfully.

Slow-worms

One slow-worm has been found on the site and the results of the present survey will be sent to English Nature in due course. Slow-worms are protected under section 9 of the Wildlife and Countryside Act 1981 (as amended). To avoid possible offences under the Act, English Nature will be advising that the consultants follow the English Nature guidelines.

Water-voles

Although water voles were not found in the 2002 survey it is possible they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 (as amended) such as it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use, for shelter or protection. We advise that a survey for water voles should be done prior to the start of development.”

Taunton Chamber of Commerce

“As the development of the Norton Fitzwarren site was a major consideration within the Taunton Local Plan Inquiry we are at a loss to understand the submission of an application prior to either the close of the Inquiry or more importantly the completion of the Inspectors report. The development will clearly have significant problems in relation to both potential flooding and traffic congestion which once again will have been considered in detail during the Inquiry.

As a Chamber we would wish to express our deepest concerns that the planning process is being ignored by the premature submission of the application. I would therefore like to register our formal objection to the application purely on the basis of prematurity. If the Inspector deems that the development is appropriate the Chamber will consider the merits of the proposal with the benefit of this information. We trust that the Council will take the same view and will not be tempted to make a decision on the application based on the financial benefits that are promised in relation to flood alleviation and contribution to the Norton Fitzwarren relief road and Silk Mills Bridge. “

Recreation Officer

“RECREATION PROVISION

Playing Field requirement:

In summary the developer should be asked to acquire and donate 2.25 hectares of land and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years' maintenance in the region of £50,000. These figures would be subject to review in the event of the number of dwellings exceeding 500.

The existing site is deficient in terms of car parking, standard of access road, amount and standard of changing facilities, quantity and quality of football pitches, lack of cricket facilities, and sewerage arrangements.

The development in the village presents an opportunity to remedy this by contributing a lump sum in lieu of new provision that can be matched by community fundraising and application to other funders to create sufficient money to redevelop the whole site.

The developer should acquire 2.25 ha of land adjacent to the existing playing field (reflecting the policy of 45 sq m per dwelling) to be adopted by the Council. This will give sufficient space for laying out 2 new football pitches and one cricket wicket to provide for increased demand arising. The dimensions must be an absolute minimum of 120 m by 180 m, possibly with space for an access track to service the remaining part of the field if required by the landowner.

This site should not be laid out as a playing field by the developer. Instead a sum of money in lieu of this work should be given via a S106 agreement to be used by the community to develop a phased masterplan for the entire site and to use as a lever for match funding applications to other organisations in order to achieve those aspirations that are not the responsibility of the developer.

For normal off-site calculations for playing field contributions, the sum of £806 per dwelling has been used by the Council for a number of years and has not been updated for inflation for at least 3 years. It has met with the approval of many developers as a reasonable sum. For 500 houses this would total £403,000.

However, for this application, the calculations have been updated and tailored to the site and generate a sum of £389,900 which is calculated as follows:

Playing Field Development

Standard playing field to accommodate two soccer pitches and a cricket square plus changing rooms and car park

Pavilion (approx. 154 m ²) @ £1600/m ² = £246,400 (to serve 4 teams and officials plus tea room, viewing area, disabled access etc)		246,400
Playing Field Construction (120 m x 180 m)		
Standard soccer pitch construction (one pitch)	27,000	
plus sand for heavy ground	5,000	
Cost for one pitch		32,000
Cost for two pitches		64,000
Cricket Square (approx. 30 m x 25 m)		15,000
Perimeter areas		2,000
Water supply		3,000
Services & mains drainage (100 m run)		15,000
Fencing @ 2 m high assume field 120 x 180m = 600m @ £30/m		18,000
Landscaping @ £10/m ²		5,000
Furniture, seats/litter bins etc.		1,000
Equipment, goal posts/nets/scoreboard etc.		1,500
Access road and car parking - surfacing and extension		19,000
Total cost		389,900

The council is planning to develop a standard for the provision of playing field pavilions for its own sites in order to identify the cost of bringing them up to

date. In future this standard will form the brief to developers. This standard has not yet been developed.

There will be a requirement for a commuted sum for 20 years maintenance of the site. This is estimated to be in the region of £50,000.

Childrens Play

There is no existing provision in the village that could reasonably be improved to serve this site therefore all provision must be made on site.

Having considered the outline plan for the development it appears that the area of land to the east of the site (adjacent to Silk Mills) will be acceptable as open space irrespective of flooding liabilities, on condition that it is for informal recreation i.e. has no built facilities except paths and seats.

Adjacent to and connected to this area (but not in the flood pond or flood plain) should be a NEAP level play facility 1000 m² as outlined below. This will replace the NEAP shown on the plans in the south western end of the development. It must be located to be highly visible yet a minimum of 3 0m from the nearest house. A location adjacent to the road is acceptable subject to suitable safety measures being in place.

In order to provide accessible play for children living at the western end of the development a LEAP (as outlined below) should be provided that is not in the flood attenuation area. This could be at the location currently shown for a LAP adjacent to the Reserve Community area.

There will not be a need to provide the LAP play areas indicated on the plan.

There will be commuted sum for maintenance associated with all these sites.

Public Art

There are a number of items of public art shown on the plans. These are not considered necessary unless there will be commuted sums for maintenance. A preferable alternative would be to involve an artist in the design of the play areas and other public spaces.

Community Hall

There are three buildings which might seek contributions from the development: village hall, the playing field pavilion and the youth activity centre. The village hall committee has asked for improved car parking. The playing field pavilion (used by the play group) will probably be dealt with under the playing field contribution. It is unclear what contribution would be needed for the activity centre.

I recommend that a sum equivalent to the surfacing of the car park is sought to be used on any of these facilities in consultation with the parish council. This is likely to be around £20,000.

Phasing

I strongly recommend that at least one of the play areas is completed very early on in the development, say completion of 50th house and the other site has a prominent sign indicating its future use. Both must be shown on all plans used by potential purchasers. These conditions should be part of the S106. The need is to avoid the situation commonly found where people buy the houses near the open space without realising the impact a childrens play area may have on it. The sign option is better than nothing, but early completion is by far the better option and will provide for the new residents as soon as they move in..

Maintenance

The usual one-year maintenance after approval of the installation will apply to all facilities provided by the developer.

LEAP/NEAP definitions

Local Equipped Area for Play (LEAP)

A LEAP is a piece of open space that is designated and equipped for children of early school age. Such areas need to be located within a walking time of 5 minutes from home.

Play equipment within a LEAP is an important part of the attractiveness of such spaces. However, children do not need play equipment alone but require space around the items for other games and to 'let off steam'. Where properly sites, equipped, overseen and well maintained, a LEAP is able to meet these needs without being a source of nuisance to other residents.

The main characteristics of a LEAP are:-

1. It caters for children of 4-8 years in age
2. It is within a walking time of 5 minutes from home
3. It is positioned beside a pedestrian pathway on a route that is well used
4. It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.
5. It has an activity zone of a minimum of 400 m² in area.

6. It contains at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination. Each item is designed to stimulate one of the following:
 - a. Balancing, e.g. beams, stepping logs, clatter bridges, or graphic line elements.
 - b. Rocking, e.g. see-saw or spring animals.
 - c. Climbing or agility, e.g. frames, nets, overhead bars, or angled climbers.
 - d. Sliding, e.g. traditional slides, straight or angled 'fire-fighter's' poles.
 - e. Social play, e.g. sheltered areas or child seating
7. Additional items might focus upon rotating, singing, jumping, crawling, viewing (e.g. ground graphics) counting or touching (e.g. sand and water)
8. There is adequate space around the equipment to enable children to express their general exuberance and play games of 'tag' and 'chase'.
9. It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward-opening and self-closing gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).
10. It has a barrier to limit the speed of a child entering or leaving the facility.
11. A buffer zone of at least 10 m in depth is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling. Normally a minimum of 20 m should be provided between the activity zone and the habitable room facade of the dwelling. Where these minimum distances apply careful consideration needs to be given to:
 - a. the design of the means of enclosure, planting scheme and/or other physical features on the boundary of the residential property, and
 - b. the siting of the play equipment within the activity zone (to preclude opportunities for overlooking nearby gardens and a consequential loss of privacy for residents.
12. The buffer zone includes planting to enable children to experience natural scent, colour and texture.
13. Some individual seats are provided for parents or carers.
14. It has a notice to indicate:
 - a. That the area is solely for use by children.

- b. That adults are not allowed unless accompanied by children.
 - c. That dogs should be excluded
 - d. The name and telephone number of the facility to report any incident or damage to the play equipment.
15. It has a litterbin.
16. The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.

Neighbourhood Equipped Area for Play (NEAP)

A NEAP is a site that is designated and equipped for older children, but with opportunities for play for younger children too. Located within a walking time of 15 minutes from home, the NEAP is the largest of the three types of play space and is able to address specific needs that cannot be met within a LAP or a LEAP.

Once children have reached 8 years in age, their use of traditional play equipment begins to diminish. Older children require a greater number and a wider range of stimuli. Initially, they engage in wheeled activities and informal ball games, some of which may develop later into more formal and recognised sport. As they enter their teenage years, children actively choose to meet away from their home environment and look for places to congregate and improve their social awareness.

A NEAP can be subdivided into two distinct parts; the first comprising a range of playground equipment and the second, a hard surfaced area for ball games or wheeled activities such as roller-skating, skate-boarding or cycling. It is necessary for the two parts to be on the same site and linked, because children of varying ages and abilities frequently cross between different sections, as do their siblings.

Where properly sited, a NEAP may also feature a multi-sport rebound wall and/or a youth shelter to provide an alternative meeting place for teenagers to a LAP or a LEAP, which are inappropriate for them. The exact position of a youth shelter within the NEAP will depend on local circumstances and will require full public consultation for provision of the facility to succeed.

The main characteristics of a NEAP are:

1. It caters predominantly for older children.
2. It is within a walking time of 15 minutes from home.
3. It is positioned beside a pedestrian pathway on a route that is well used
4. It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

5. It has an activity zone of a minimum of 1000 m² in area that is divided into two parts; one containing a range of play equipment and the other provided with a hard surface of at least 465 m² (the minimum area needed to play five a side football).
6. It contains at least 8 types of play equipment comprising:
 - (i) At least 1 item suitable to stimulate rocking, touch, social or developmental play among younger children
 - (ii) At least 2 items to facilitate sliding, swinging or moderate climbing
 - (iii) At least 5 items, of which at least 3 are individual pieces rather than in combination, to encourage adventurous climbing, single point swinging, balancing, rotating or gliding (e.g. aerial runway).
7. There is adequate space around the equipment to enable children to express their general exuberance and play games of 'tag' and 'chase'.
8. It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward-opening and self-closing gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).
9. It has a barrier to limit the speed of a child entering or leaving the facility.
10. A buffer zone of 30 m minimum depth is provided between the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose built skateboarding facilities are provided.
11. The buffer zone includes planting to enable children to experience a part of the 'natural' environment.
12. Some individual seats are provided for parents or carers in the vicinity of the play equipment and other seating is provided within the hard surfaced games area.
13. It has a notice to indicate:
 - (i) That the area is solely for use by children.
 - (ii) That adults are not allowed in the equipped space unless accompanied by children.
 - (iii) That dogs should be excluded
 - (iv) The name and telephone number of the facility to report any incident or damage to the play equipment.
 - (v) The location of the nearest public telephone

14. It has litter bins at each access point and in proximity of each group of seats.
15. It has convenient and secure parking facilities for bicycles.
16. The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.”

Landscape Officer

“The basic landscape requirements are set out in the Norton Fitzwarren Development Guide in terms of depth of structure planting, etc. Other points I would make are that the LEAP and NEAP should be more centrally placed for easier and more local access; the planning along the railway track looks very thin and the meadow areas should be part of any proposals.

It is important with any flood control measures that maximum potential for wildlife and landscape enhancement are maximised”

Rights of Way Officer

There are not rights of way affected by the development.

Planning Policy

The following response was received to the application in February 2004, which was prior to the report of the Taunton Deane Local Plan Inspector's Report:-

“I refer to the above planning application and have the following comments:-.

Background

PPG1 (General Policies & Principles) and PPG3 (Housing) place great emphasis on the need to secure the redevelopment of brownfield sites. Accordingly, the Trading Estate, with much of it being underused, falling into disrepair and derelict, is a prime target for redevelopment.

The site has long been identified for redevelopment. Indeed, it has been included within the following documents:

- Taunton Local Plan (1986) - southern part of the site identified for industrial redevelopment.
- Draft Norton Fitzwarren Development Guide 1993.
- Issues & Options Report 1995
- TDLP Deposit Draft 1998.
- Draft Norton Fitzwarren Development Guide 1999
- TDLP Revised Deposit 2000

Accordingly, the redevelopment of this site has been subject to extensive consultation. Local Plan proposals have been continually refined to reflect the content of much of this consultation.

The site forms part of the larger Norton Fitzwarren Major Development Site, TDLP (policies T10 to T13). The major development site was subject to considerable scrutiny during the recent Local Plan Inquiry (LPI). During the LPI, various amendments were made to the policies and text, as agreed by the Borough Council's Executive and/or the Executive Councillor Responsible for Planning & Transport. I attach a complete schedule of amendments.

Given the above, the principle of redevelopment must be supported. However, there are a number of issues that will require resolution.

Parts of the site (adjoining the eastern and southern boundaries) are within an area of high flood risk (PPG25 - Table 1). The implications of this were assessed in a report to the Borough Council's Executive dated 26th September 2001 (attached - refer to paragraphs 5.9 to 5.13, together with Appendix D). The report concludes that the Borough Council's proposals for Norton Fitzwarren are consistent with the advice contained within PPG25.

However, there are two issues that require resolution. Firstly, you should be aware that the Cross Keys roundabout is within an area of flood risk. Modelling suggests that, in a 1:200 year storm event (the Borough Council's adopted standard - refer to policy EN30a) the roundabout will flood to a depth well in excess of 300 mm, which is the minimum required to allow the safe passage of emergency vehicles. Certainly, the roundabout will be impassable to cars.

Accordingly, in order to minimise flood risk (the crux of PPG25) the EA require the delivery of the Silk Mills link road as a prerequisite to development (to effectively create a by-pass to Cross Keys). This is an expensive piece of infrastructure, given that it will take the form of a bridge that will connect into Silk Mills Lane at a complex signalised junction. However, the economics of this proposal have been tested by Donaldsons (planning consultants) and shown to be viable. The local plan has been amended to reflect this requirement. Certainly, this should be made a condition of granting planning permission.

The second flood related issue concerns land at the southern boundary of the site, which is within an area of flood risk from the Halse Water. The solution to this problem lies with the construction of the dam at Montys Lane (which has recently received planning permission) together with on-site flood mitigation works within the land at the former Taunton Cider Factory/Ford Farm (detailed design submitted to the Local Plan Inquiry, but yet to be considered as part of a formal planning application). These works will remove the Halse Water flood plain from the site. However, the precautionary principle requires that any scheme of flood protection must be technically feasible and deliverable. The Borough Council, together with adjoining landowners, have spent significant time and investment to develop such a scheme. However, the proposed

scheme is not within the control of the applicants. Accordingly, to grant planning permission to this development, without having regard to the delivery of the flood relief works, would be at conflict with the provisions of PPG25 (precautionary principle). For example, further analysis could result in an amendment to the comprehensive flood scheme that would result in the loss of protection to the application site (unlikely, but not impossible). The only way to solve this problem will be to require the applicants to enter a section 106 agreement with Matthew Clark, Mr Underhill (Ford Farm), St Modwen and the Borough Council requiring the delivery of a comprehensive flood mitigation works that will protect the major development site, including the application site. The applicants should rightly contribute towards such a scheme (or there should be an equalisation of costs relating to other aspects of required infrastructure).

Assuming that such an agreement can be established, you will need to be aware that there is a possibility that the Local Plan Inspector may not support the redevelopment of land at Ford Farm. If this occurs, then significant doubt will be placed on the ability of the Borough Council to deliver the dam at Montys Lane. In such a scenario, the southern part of the application site will remain unprotected. Accordingly, conditions should be attached to the planning application requiring the resolution of this issue.

Ultimately, you should seek the advice of the Environment Agency. The Borough Council has worked closely with the Environment Agency over the course of the past few years on this site, and I fully expect them to confirm the advice given above. However, their advice is essential. In addition, you should seek their comments upon:

- Surface water run off - mitigation
- Flood risk assessment (e.g. Cross Keys flood assessment)
- The design of flood relief works within site (particularly at the boundary with Matthew Clark/Prings, having regard to the content of the Environment Assessment)
- Phasing of development, particularly with regard to the flooding issues at Cross Keys

TDLP policies EN30a and EN31a are very relevant. These policies reflect recent advice within PPG25, and set out the Borough Council's approach with regard to the implementation of the "risk based sequential approach", "off site schemes of flood protection", "standards of protection" the "precautionary principle", "flood risk assessment" and "surface water run-off".

Balance of Uses

Since the publication of the TDLP (Revised Deposit), the proposals for the TTE have been amended. In particular, the Borough Council is now looking for a greater balance of employment uses compared to residential.

I recommend that a condition be attached to the outline planning permission that requires a set amount of employment land as required by the amended

Local Plan proposal (7.5 hectares gross/5.2 hectares net). As I have mentioned previously, the economics of this proposal have been tested by Donaldsons and shown to be viable.

I note that St Modwen are keen to both avoid unnecessary disruption to existing tenants (phasing/works will be programmed to reduce disruption) and to retain tenants within the redeveloped employment land. This is to be commended. However, the Borough Council will require a guarantee that new employment land will be delivered at an appropriate time during the course of redevelopment, and not left until the completion of housing development. Accordingly, I recommend that conditions be added that require the delivery of new employment land within either:

- a set timescale; or
- following the completion of a set number of dwellings.

This will be a matter for negotiation.

Transport

It is proposed that the relief road (to serve the major redevelopment area) will travel in an east/west direction within the southern portion of the site (separating housing from employment). However, the precise alignment of the road cannot be fixed until the content of the submitted EIA has been considered. This will also have to have regard to any environmental concerns within the connecting land (owned by Matthew Clark). Accordingly, whilst acknowledging that the application is in outline form only, I suggest that careful consideration be given to the issue of the connection through to the Matthew Clark site (this concern also relates to the alignment of flood relief works). We need to be absolutely sure that, from the EIA perspective, there is no major issue with regard to impact upon any sensitive fauna and flora. Previous appraisals suggest that there should be no major problems. However, it is wise to be cautious and I suggest that you seek the advice of English Nature, the Environment Agency and our own Heritage and Landscape team.

The advice of the Highway Authority should be sought regarding all transport matters, including the following:

Relief Road

I recommend that a legal agreement should be sought that requires St Modwen to connect the relief road to the boundary of land within the ownership of Matthew Clark (MC), within one year of MC obtaining planning permission for redevelopment. The Highway Authority must advise on this and other access issues, including estate road access from the relief road, as well as the suitability of any vehicular access point from the B3227 (main village street). Access for construction vehicles is also a matter of importance, particularly within the local community. The Highway Authority should advise

as to how this should be organised. This may influence the phasing of development.

The comments of the Highway Authority should be sought with respect to the proposed connection of the relief road to the proposed staggered junction at Bindon Road. The timing of these works in connection with the NWTP is also a matter for consideration by the Highway Authority.

Cycleways/Footpaths

As this development forms part of a wider comprehensive development proposal, it is crucial that effective links (footpaths/cycleways) are created into the adjoining areas that are proposed for development. This will facilitate ease of movement between the various residential areas and the existing/proposed community facilities.

It may be worth requesting the submission of a phasing diagram, outlining how and where these connections will be provided.

Silk Mills Bridge

The proposal must contribute towards the provision of the Silk Mills bridge. The scale of contribution must be a reflection of on the net impact of the proposal, taking account of the number of existing residential units on the site (refer to policy T10, criterion M).

Public Transport

The proposal must contribute towards an improvement to the local bus network (refer to policy T10, criterion G).

Affordable Housing

An affordable housing contribution of 20% should be sought from this development. Please seek the advice of the Housing Officer.

Education

A contribution will be required towards the improvement of local primary and secondary education facilities. Please seek the advice of the Education Authority.

Contributions are also required towards the traffic calming of Blackdown Way (the area in front of the existing primary school). Again, please seek the advice of the Highway Authority.

Playing Fields/Children's Play Areas

A contribution will be required towards an expansion of the playing fields at Stembridge Way. Please seek the advice of the Leisure Development Manager.

The development will need to cater for on-site children's play areas (refer to policy C4). Please seek the advice of the Leisure Development Manager.

Local Centre

The proposal must contribute towards the eventual delivery of a local centre, to serve the expanded community (refer to policy TI 3, criterion A). The local centre is expected to contain a small local supermarket, other individual shop units, doctors and possible dentist surgeries, as well as possible Class A2 and Class A3 uses.

Local Plan Inspectors Report

The Forward Plan Unit have been advised that, given current performance, the Borough Council can expect to receive the Inspector's Report during late summer 2003.

Prematurity

PPG1 provides advice on prematurity, and states that significant objection can be a reason in favour of refusal on grounds of prematurity (although much will depend upon the nature of the objections and whether there is any support). However, PPG1 goes on to state "where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process" (para 49).

Whilst the Norton Fitzwarren Major Development site was subject to major objections and considerable debate at the Local Plan Inquiry, it is fair to say that the vast majority of concern was centred on our proposals for the former Taunton Cider Factory and Ford Farm.

It is highly improbable that the Inspector to the Local Plan Inquiry will reject the allocation of the TTE for redevelopment, given the priority within national planning policy guidance for the redevelopment of underused/vacant brownfield sites. The allocation is a major contribution towards the Borough Council's brownfield target, and will deliver a significant number of dwellings.

The major debate at the inquiry (relating to the TTE) was the balance of uses i.e. the split between housing and residential. Many objectors wish to see more employment land. However, the officers of the Borough Council are convinced that a correct balance has been achieved, bearing in mind the requirement for significant infrastructure (flood scheme/relief road/Silk Mills crossing/education etc). The report by Donaldson's suggested that the site is viable, albeit marginal. Certainly, officers are convinced that a move towards less housing would render the scheme to be unviable.

Given the above, I would advise that planning permission could be granted in advance of the receipt of the Inspector's report, provided that the requirements of the local plan are met in full. I would certainly not recommend such an approach for the remaining elements of the Norton Fitzwarren site. Conversely, I recommend that any deviation from the Local Plan proposal should result in a refusal of planning permission, whilst we await the receipt of the Inspectors Report."

Since that submission, the Local Plan situation has moved on and further extensive discussions which have taken place with the applicant.

Environmental Health Officer

"I would wish to make the following observations due to the possibility of contaminated land, noise from road and rail traffic and air quality issues.

CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted:-

(a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses.

(b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: 1. Water resources, including any private water supplies 2. Surrounding land 3. Wildlife, livestock and eco-systems 4. Trees and plants 5. Building materials 6. Future users of the site 7. Any other persons

(c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols.

(e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works

shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant:-

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

NOISE

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works

DEMOLITION AND CONSTRUCTION NOISE AND DUST

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday - 0800 - 1800 and Saturdays 0800 – 1300. All other times, including Public Holidays no noisy working

The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.

NOTE - AIR QUALITY

Any modelling predictions carried out by the consultant appointed, should be validated by air quality monitoring. The Council continues to carry out continuous monitoring for Nitrogen Dioxide in the area and results will be evaluated and reported for the air quality review and assessment”

Drainage Officer

“I note that the Environment Agency computer model has been used by the applicants consulting engineers in the compilation of the flood risk assessment. Can it be ascertained from the Environment Agency that they are in agreement with the computer model used and the level of flooding predicted in this assessment. If they are in agreement then, in principle we accept the details submitted. However, before any applications are received for full planning permission details regarding proposed flood alleviation measures, compensatory arrangements and sustainable drainage systems are to be agreed.

It should be noted that there is a watercourse/flood alleviation channel within the site boundary immediately to the west of Silk Mills Lane. This will be crossed by the proposed relief road and details of any crossing, together with that for the Back Stream will require approval.”

Housing Officer

“I accept the mix of accommodation types @ 5.4. I cannot accept the tenure mix. Our demand is overwhelmingly for social rented accommodation. Need = 80% rented, 20% shared ownership (prepared to look at model of low cost market if Parish survey reveals a need – this can be done within 6 weeks), but any such concession would be from shared ownership – not rented. I believe that ½ of the shared ownership should be 1 x BR flats and the remaining 10 should be a mix up to 3 BR houses.

We are not expecting one scheme to provide all tenure preferences. We expect all S106 schemes to meet these aims. Better mixes should mean more sustainable communities.

We are not prepared to consider social housing grant on this site at this stage. We believe there is sufficient profitability in this site to meet the Council’s requirements. Should you believe this is not so please supply your evidence. Should we not be able to reach agreement then the Council would be prepared to commission a viability study by an independent planning consultant.

We expect 20 units per annum once construction begins in groups of 15 units or less. We do not want to create social housing ‘ghettos’.”

Electrical and Mechanical Engineer

Too soon or already discussed. Please let me see the proposals when road and external lighting is being presented for planning permission.

Norton Fitzwarren Parish Council

- “1. All points already made by the Council in response to the Local Plan Enquiry, and as presented at the Inspector's Enquiry, apply to the proposed St Modwen development.
2. We firmly oppose any individual development proposal being brought to the Planning Committee in advance of the Inspector's Report. We also strongly oppose the consideration of any individual development proposal in isolation from others on the grounds that this can severely prejudice overall contribution to, and achievement of, benefits attributed to the wider scale development as a whole. In this context, our comments regarding this specific proposal are made without prejudice to our comments regarding the scheme as a whole.
3. The Council is not in favour of the proposed access from Silk Mills Lane and Bindon Road via a staggered traffic light controlled junction, and wants this to be replaced by a roundabout.
4. The design of the internal roundabout causes considerable concern, particularly with regard its use by large vehicles, including articulated lorries, that will be required to manoeuvre around it as part of the village relief road and/or in servicing local industrial premises. The Council wishes for this to be redesigned and re-sited accordingly.
5. With the exception of the Silk Mills Lane access, the Council is firmly opposed to any additional entrance to the site at any stage of, or on completion of, the development. During initial construction work, access can be obtained via the current site access and subsequently via the new Silk Mills Lane access.
6. The Council is firmly opposed to the construction of any new houses on the site in advance of the construction and use of the Silk Mills Lane access.
7. The Council wishes to ensure that the proposed cycle path joins with a similar facility, or similar facilities, on exit from the Silk Mills Lane access - preferably by means of a path under the proposed rail bridge.
8. The Council requires clarification on the proposed use of the two areas adjoining the B3227 marked on the coloured plans in white with red line surrounds.
9. The Council has specific concerns regarding the nature and style of housing to be provided, and wishes to ensure that these concerns are communicated to, and discussed with, prospective developers. In particular, we are concerned with preserving the local community,

meeting its housing and social needs, and ensuring a pleasant and enjoyable environment. To these ends, we would wish to see provisions for:-

- 9.1. Sheltered housing for the elderly and infirm of the village
 - 9.2. Affordable housing for LOCAL people, particularly for younger persons starting out 'on the housing ladder'.
 - 9.3. Discouragement and prevention of anti-social activities.
 - 9.4. Design styles in keeping with a Somerset village environment.
 - 9.5. Pedestrian access to shops and social facilities WITHIN the village.
10. The Council notes the area marked 'Reserve Community Area', and has discussed various options for its use including provision of a Youth Shelter and Meeting/Leisure facilities. However, the Council wishes to ensure that such facilities are balanced throughout the village, and requests a meeting with TDBC to discuss these in advance of commenting formally on any specific proposals for the St Modwen site.”

Staplegrove Parish Council

“We thought the main idea of bridging the Silk Mills railway line was to keep the traffic moving. This project will create an additional access point onto Silk Mills Road, probably resulting in traffic lights. Surely access to Silk Mills Road should be kept to a minimum. The proposed park and ride scheme will create a large movement of traffic.”

9.0 REPRESENTATIONS

Three letters of objection have been received making the following points:-

1. Want the area to stay as a village.
2. Increased crime.
3. Increased noise.
4. School is too small.
5. Too many empty houses now.
6. Premature pending receipt of Local Plan Inspector's Report.
7. Loss of a significant amount of employment land within Taunton Deane.

8. The application site forms one part of a much larger proposal with the Local Plan and to release part of this site for development, in isolation of the balance, could have a major impact upon the ability of the development to be implemented as proposed. Local Plan makes it clear that a piecemeal approach to the development of individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme. The application flies in the face of this approach to securing the appropriate development of the site.
9. Proximity to railway with its implications of noise.
10. Only comprises half the development.
11. Should be a roundabout onto Silk Mills Lane in conjunction with Bindon Road. Even the applicant states that they anticipate some degree of junction overload at peak periods.

A letter of objection has been received on behalf of the owners of the land on which the proposed dam is to be constructed upstream on the Halse Water. This notes that reliance on the flood attenuation scheme is made in the submissions with the planning application and therefore the landowners are opposed to the dam being built and therefore the applications on which it relies. They consider that it is inconceivable that the Council could resolve to grant a major application such as this prior to the receipt of the Local Plan Inspector's Report.

A letter of representation has been received on behalf of the owners of the former cider factory site adjacent to the current application site. No objection in principle, but this does not mean that the owners are in a position to support the application. Owners concerns are in regard to the practicality of delivering the comprehensive development scheme envisaged at Norton Fitzwarren by the emerging Local Plan. There are very substantial costs involved which need to be fairly apportioned across the land ownerships concerned. Would be in a position to support the proposal if a formal Land Owners' Agreement with the appropriate parities can be concluded. (accept this is outside the scope of my proposed Section 106 Agreement)

10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? POLICY
- B. Does the proposal provide for an adequate amount of affordable housing? AFFORDABLE HOUSING
- C. Does the proposal provide for an adequate amount of recreation provision? RECREATION PROVISION
- D. Is the access to the site suitable? ACCESS

- E. Is the proposed development likely to be affected by flooding? FLOOD RISK
- F. What will be the impact on the existing businesses on the Trading Estate? EXISTING BUSINESSES
- G. Is the proposed development sustainable? SUSTAINABILITY
- H. OTHER ISSUES

A. Policy

The site is within the settlement limits of Norton Fitzwarren as contained in the Taunton Deane Local Plan Revised Deposit. The whole of the site comprises either existing or previously used employment land. The principle of development of the site is in line with national planning policy guidance in that it provides for the redevelopment of brownfield land. In particular PPG1 sets out the principles of national planning policies and focuses development in a sustainable pattern. PPG3 promotes the development of housing in sustainable locations and the creation of sustainable residential environments. It introduces the requirement of a sequential approach to the location of housing developments prioritising previously developed land and development within or adjacent to existing urban areas. PPG4 promotes economic development that is compatible with environmental aims and objectives. PPG13 promotes development plan policies that encourage a reduction in the number and length of journeys by private car and encourages use of public transport and alternative means of travel. It also promotes the integration of land use and transport planning to encourage sustainable development. PPG25 provides guidance on the role of planning in relation to flood risk areas.

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

The County Structure Plan sets out requirements in Taunton Deane for housing and employment development. The Norton Fitzwarren allocation in the Taunton Deane Local Plan and indeed the current application on the Taunton Trading Estate, seek to provide a significant proportion of these requirements within the plan period.

Many of the policies in the Structure Plan support and encourage sustainable mixed use developments on brownfield or previously developed land and the current proposals for the site are entirely compatible with these policies.

The adopted Local Plan for Norton Fitzwarren is the Taunton Local Plan, which was adopted in 1986 with an Adopted Alteration in 1991 covering the urban area of Taunton and adjacent villages. It is generally accepted that these plans are out of date in relation to the current proposal.

The emerging Local Plan framework is provided by the Taunton Deane Local Plan. There are a number of policies in this Plan which are both of general and specific relevance to the current application. A list of the policies is set out in Section 6 of this Report and the policies specifically relating to Norton Fitzwarren and this site, together with the supporting text are set out in Appendices C and D to this Report. These policies provide for a mixed use development of residential, employment, community and open space uses. There will also be a number of related developments, consequential on the main development, including education-related, recreation and transportation – related works.

In addition to policies T10 - T13 which provide the actual allocations, there are other key policies which deal with affordable housing, landscape and conservation issues. All of these have been taken into account with the submitted application, although points of difference in relation to affordable housing are covered in Section 10B below.

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

The proposal will bring benefit to Norton Fitzwarren and its residents in the form of new housing and employment provision, community uses and open spaces. The redevelopment will provide the first stage of the Norton Fitzwarren Relief Road and together with the other sites that form the major development site provide flood alleviation works and improved local education and community facilities. It will also provide playing fields and public open space (on and off site), affordable housing and public transport improvements.

The proposals will make a significant contribution to the land supply in Taunton Deane for residential and employment purposes, supporting the approach taken in the emerging Taunton Deane Local Plan. Although some businesses have already relocated and more may relocate, the provision of new units for employment purposes will facilitate the retention of existing estate-based businesses, together with the attraction of new businesses.

B. Affordable Housing

The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The types of housing which comply with the definition are:-

- (i) units for rent (the main group);
- (ii) shared ownership with grant; or
- (iii) shared equity, where land value is retained to provide housing for sale at below market levels and where control of the 'equity discount' can be retained in perpetuity.

The need for affordable housing is a planning consideration and Central Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role.

Although affordable housing covers a range of options for its delivery, because of the high cost of open market housing in the areas (even with subsidy), it is considered that most of the provision will be made through Registered Social Landlords (RSL's). Where a developer intends to provide affordable housing without the involvement of an RSL, the Council will require safeguards to ensure that it meets appropriate needs. The Council would need to ensure, by way of a Section 106 Agreement, that access to the housing is limited to households complying with the definition of need established by the 2002 Housing Needs Survey, both for initial and subsequent occupiers, and at a price that such households can afford. This indicates that a substantial need for affordable housing exists in the Borough and that this will not be met by the expected operation of the market and the likely investment programmes of the social housing providers. Accordingly it provides a justification for the inclusion of appropriate policies and proposals in the Local Plan. The Report concludes that there is an affordability problem in Taunton Deane for low-income households. The private housing market excludes many families and single person households who are currently seeking access to local housing. Access to home ownership is beyond the reach of 65% of new/concealed households identified in the survey.

A number of sources of affordable housing are likely to come forward, irrespective of the intervention of the Local Plan, such as existing commitments by RSL's and the outcome of various Housing Authority strategies. However, the Survey identified a need for 861 affordable units to be provided within open market development, secured by Section 106 Agreements, during the Plan period to 2011.

Policy H12 of the Taunton Deane Local Plan sets out the requirements for affordable housing within general market housing sites. Paragraph H12a sets out indicative targets to be sought for affordable housing, as a percentage of the dwellings on each allocated site. These reflect the indication in Policy H12 that such targets will balance other important planning requirements and have regard to abnormal costs associated with the development of a site which may threaten its financial viability. The indicative target for the Norton Fitzwarren site set out in Policy T11 is 20%. This is the lowest target of any site. Having discounted the target to take account of site specific costs and constraints and viability considerations, the Council would not normally expect to have to make further reductions.

In order to aid the implementation of affordable housing policies the Borough Council prepared a draft report 'Implementing Affordable Housing in Taunton Deane'. This was published for consultation in July 2001. This provides the current guidance and practical advice to developers and providers of affordable housing on the Council's approach to affordable housing.

Policy T10 confirms the necessity for affordable housing provision to be made in accordance with Policies H12 and H12a.

In line with the above policies and the 'Implementing Affordable Housing in Taunton Deane' Report, the applicant is being required to provide within each phase of the residential development, 20% of the proposed dwellings to be affordable housing provided at nil public subsidy, provided for and maintained by an RSL. In line with housing needs, 80% of the total should be for rent and 20% shared ownership. The applicant's Affordable Housing Provision Report (Appendix E to this Report) sets out at page 6 of the Report an alternative tenure mix. This provides for 50% rent, 40% shared ownership and 10% subsidised low cost market housing. The level of subsidy for the low cost market housing would be 20%. The Report states that this is the maximum that can be provided, having regard to the specific economics of the development, without the need for any public subsidy.

Although the applicants have now agreed to offer full subsidy on 90% of the affordable units (i.e. the rented and shared ownership), this still leaves 10% where it falls short. A 20% reduction on the open market value of a property will certainly not be affordable to many, if any, of those in greatest housing need and unable to afford open market prices.

It is considered that the mix of tenure that is sought from the development is reasonable. The applicant has not provided any details and verifiable financial information that demonstrates that it would render the development unviable. My recommendation is therefore on the basis of a tenure split of 80% rented and 20% shared ownership, notwithstanding the fact that to date the applicants have not agreed to this split.

C. Recreation Provision

Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. This is again set out in Policy T10 of the Plan. The supporting text sets out the requirement for 4.7 ha of land to be provided for new playing fields as an extension to the existing playing fields at Stembridge Way. This has the benefit of consolidating provision at one location within the community, where advantage can be taken of the existing facilities including car park and pavilion. An extension and improvement of these facilities is required from the development.

As part of the contribution towards the above, the applicant on the current site is required to provide 2.25 ha of playing field land. The Recreation Officer has requested that the applicant acquire the required land and donate it to the Borough Council together with a contribution in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years maintenance. The Borough Council would then lay out the playing field. Provision of the sum of money would also enable match funding to be sought by the community in order to achieve aspirations of other organisations that are not the responsibility of the developer.

The applicants are happy with the arrangement for purchase of the land, together with a contribution towards the laying out of the playing field, but they consider that the cost of purchasing the land for the playing field should be deducted from the contributed sum. The applicants have offered a figure of £300,000 reflecting this.

The Local Plan is quite clear in that it states that to ensure the provision of a satisfactory overall development the delivery of playing fields and public open space in accordance of Policy C4 shall be secured. Clearly, if the costs of purchase of the land was taken off the contributed sum, there would be a shortfall that the Borough Council would need to make up. This is not considered acceptable and would not be in accordance with the Local Plan Policy. The recommendation for the relevant section of the Section 106 Agreement therefore seeks the figure of £389,900 as a contribution, although further discussions are taking place on this figure.

The development will also provide for incidental public open space and children's play areas in the form of one LEAP and one NEAP. These will be secured through the recommended Section 106 Agreement.

D. Access

Requirements for access and transportation are set out in Policy T10 of the Taunton Deane Local Plan. The specific requirements are:-

- (G) A bus route within the site and a service between the site and Taunton Town Centre;

- (H) A comprehensive cycle and pedestrian network within the site development area, providing convenient access to local services, community facilities, employment areas and public transport stops;
- (I) Cycle access that links the site with the existing/proposed cycle network as identified in the Taunton Transport Strategy;
- (J) A Norton Fitzwarren relief road to the south of the proposed residential areas; and
- (L) Traffic calming of Blackdown View outside and on the approaches to the primary school.

The application is in outline only and the above elements of the development will be sought through the recommended Section 106 Agreement and conditions. The link to Silk Mills Lane will be provided before any of the proposed dwellings are occupied. The Relief Road will also extend to the boundary of the development site to the west in order to facilitate development there.

The Revised Deposit version of the Taunton Deane Local Plan sought contributions towards the provision of a bridge over the railway at Silk Mills. The Local Plan Inspector recommended that the developers of the Major Development Site at Norton Fitzwarren, including the current applicants, should not be required to make financial contributions to the Silk Mills Bridge. This has been accepted by the Borough Council.

E. Flood Risk

Policy T10 of the Taunton Deane Local Plan requires the delivery of a comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection. The eastern part of the site is subject to occasional flooding from the Back Stream and the southern part is subject to flooding from the Halse Water.

Having had regard to the advice within PPG25, a comprehensive flood protection scheme is proposed for the Major Development Site. This will include an on-line detention reservoir on the Halse Water upstream from Norton Fitzwarren on land adjoining Montys Lane. The works involve the construction of an earth bank with controlled outflow, such that flood waters will pond up behind the earth bank, reducing the flow of the Halse Water downstream within the urban area of Norton Fitzwarren. Planning permission has been granted for these works. In addition, improvements to the channel of the Halse Water will also be required where it flows through Ford Farm and the Cider Factory, by means of providing extra capacity (increased channel width) and the removal of redundant culverts. Improvements to the Norton Brook will also be provided by the provision of a diversion channel linking to the Halse Water.

The development the subject of the current application will make a contribution towards the off-site flood alleviation works referred to above, based on a figure relative to the amount of land within the floodplain on the site released for development. This is secured via the recommended Section 106 Agreement. As an alternative, the applicants are proposing an on-site flood relief scheme, which would just alleviate flood risk on the application site. The Environment Agency is happy with this arrangement. The Section 106 also covers this scenario, stating that there be no development within the areas liable to flood until the on-site flood scheme has been fully implemented.

F. Existing Businesses

The site has a total existing buildings floorspace of approximately 65,000 sq m (700,000 sq ft), with 50 separate units of accommodation plus some open land which is used for storage purposes. The condition of the existing buildings is poor and the costs of repair or refurbishment are relatively high. The current low rental levels and the anticipated redevelopment of most of the units means that repairs and maintenance have been minimal. Furthermore, some of the buildings, which have internal stanchions every few metres (to minimise potential bomb damage during the war) are difficult to let. Over the last 3 or 4 years there has been a reduction in the number of occupiers as they leave the site in anticipation of the potential redevelopment of the site.

Whilst it is possible that some existing businesses will relocate to newly-built premises within the proposed employment area, it is anticipated that many will find other premises in the Taunton area. As indicated above, current rent levels are low and the main problem with transferring existing business into the new premises will be the significant increase in rental level (a likely 4 – 5 fold in rent per square metre), which will inevitably exclude some occupiers. However, because of the current low rents, some businesses occupy units with a floorspace which far exceeds their real needs. It is hoped that some occupiers, who could stay in their units until a new one is built, will take advantage of the situation to rationalise their accommodation needs, and be able to afford a new unit by making the most efficient use of the new space.

The phasing scheme required by the recommended Section 106 Agreement will safeguard the potential transfer of occupiers from the existing industrial units into new units.

G. Sustainability

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

The site and its surroundings contain no designated sites of nature conservation interest. The area has been found to support a number of

protected species. Most of these are largely focussed on the Back Stream and its corridor. This watercourse is to be retained and protected throughout the development process with only limited disruption arising from the construction of the access road bridge. Mitigation proposals will include a habitat enhancement programme, concentrating upon the retention and management of habitats required by the protected species. The development will incorporate substantial areas of new planting. Primarily native species will be utilised throughout, providing a network of greenways and planting to create new corridors with wildlife habitat potential. It is therefore anticipated that ecological disruption will be limited in both magnitude and duration and that the development will ultimately be beneficial to wildlife resources.

The potential increase in bus patronage and the inclusion of a bus link through the development connecting the B3227 with the relief road will have positive impacts on the environment and may help to reduce the use of the private car. Measures to aid pedestrians and cyclists will also be incorporated in the development. The site is within close proximity to a full range of community services and facilities.

The proposed off-site flood alleviation scheme will be highly sustainable, affording flood protection to the proposed development and the existing community. It is also in line with the aims of the Parratt Catchment Project on a more strategic level.

H. Other Issues

Policy T10 does state that in order to ensure the provision of a satisfactory overall development of the Major Development Site, a co-ordinated approach will be required. There are a number of landholders and developers who have important roles to play in the delivery of the development on the major Development Site. There is danger that a piecemeal approach to development of the industrial sites (one of which is the current application site) will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme which can claim to have minimised environmental impact whilst maximising community benefit. As such it would be inappropriate for individual development to be permitted until the Authority is satisfied that the requirements of Policy T10 can be secured. With this in mind, development on each site will be required to make an appropriate scale of provision which is directly related to the net impact of their proposal. I am satisfied that with the recommended Section 106 Agreement the requisite provision is being made with the proposed development.

Contributions to improved education facilities are secured through the proposed Section 106 Agreement. A site is also reserved on the site for community use in the event that the local centre, including local shopping and other commercial and community uses, proposed on the Cider Factory site is not included in the finally Adopted Local Plan.

11.0 CONCLUSION

The site comprises brownfield land within the settlement limits. The principle of redevelopment is therefore considered to be acceptable. The site is part of the Major Development Site at Norton Fitzwarren which is the subject of Policies T10 - T13 in the emerging Taunton Deane Local Plan. The application is in outline only with full details, including phasing of the development, being reserved for future submission. These further details will be secured via the recommended Section 106 Agreement and conditions.

Agreement has been reached with the applicant on the detail of the majority of the elements of contributions, etc. required by the Local Plan. The two outstanding issues are the tenure split for the affordable housing and the level of contribution towards laying out of the required playing fields. With regard to affordable housing, the Housing Officer is requiring the mix to be in line with the Housing Needs Survey carried out in 2002. The applicant has not provided any detailed or verifiable information that demonstrates that the required mix would render the development unviable. There is a requirement for playing fields to be provided as part of the development. In my view this should include the cost of purchase of the necessary land off site. This more than compensates for the increased area for development on the actual development site.

It is crucial that the redevelopment of this site gets underway. It is a key part of the housing provision set out in the Taunton Deane Local Plan and it has already slipped behind anticipated delivery times. It is for this reason that the application has been brought before the Committee, despite full agreement not having been reached with the applicant. I consider that the various contributions being requested are not unreasonable and are entirely in line with the requirements of the Local Plan. In the event that consequent to this meeting, the applicants do not agree to these requirements and do not sign the Section 106 Agreement by 28th October, 2004, my recommendation includes provision for the application to be refused. If agreement is reached but the Section 106 Agreement not concluded, a further Report would be submitted to the Committee reviewing the situation. I so recommend.

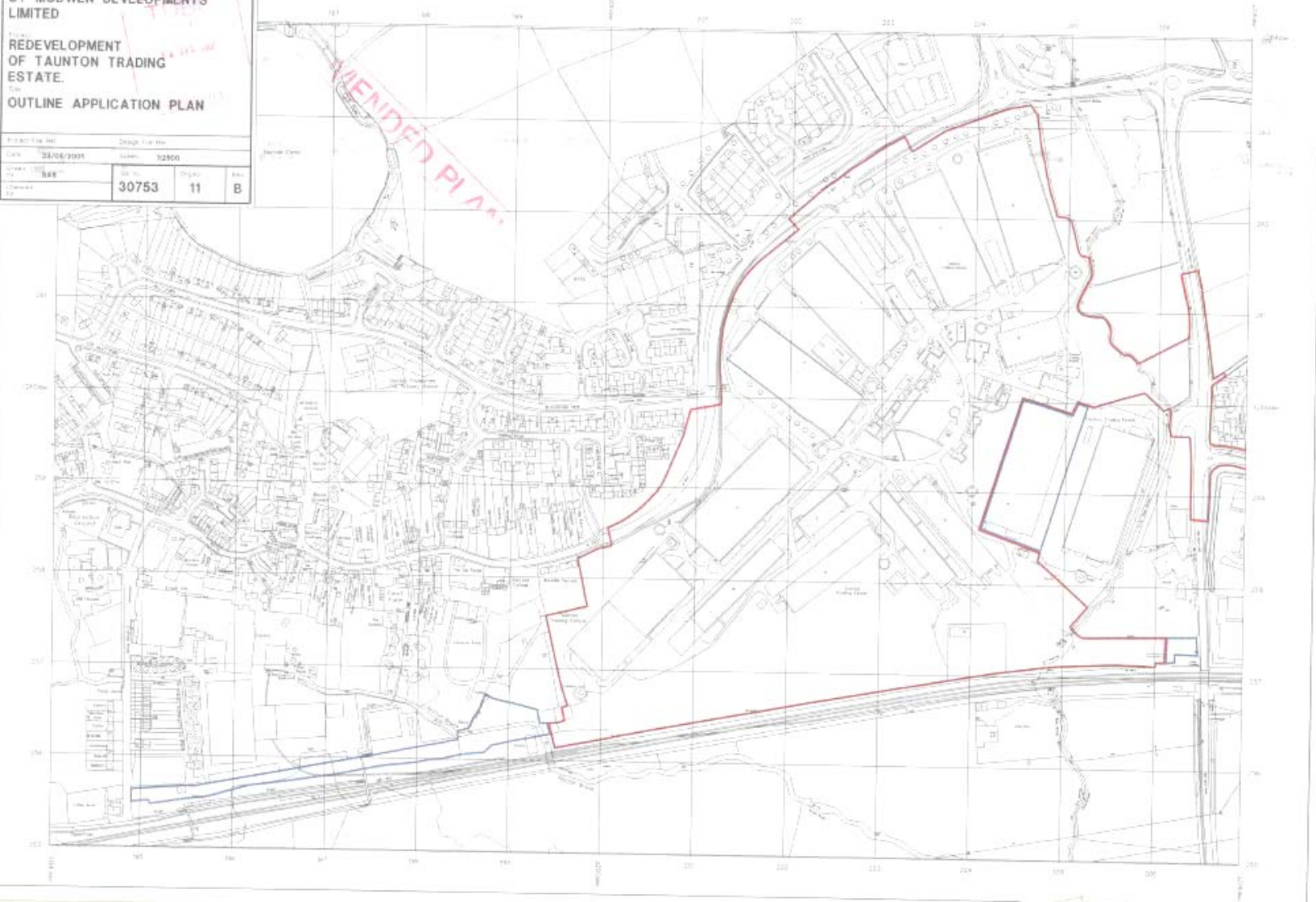
CONTACT OFFICER: Mr J Hamer Tel: 356461

Client
**ST MODWEN DEVELOPMENTS
LIMITED**

Project
**REDEVELOPMENT
OF TAUNTON TRADING
ESTATE.
Outline Application Plan**

Project No. 000	Design File No.
Date 23/06/2008	Scale 52950
Client 848	Site No. 30753
Phase 11	Rev. B

Map 4. The site shown has a Maximum Plot width of 17.25 metres and a Maximum Plot depth of 10.5 metres. The site is bounded by the following:



6
4.3