

25/2006/020

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

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

319630/125660

1.0 **RECOMMENDATION**

Subject to:-

The applications submitting a satisfactory Unilateral Undertaking to provide:-

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

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

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

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

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

05 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.

06 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

06 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

07 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

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

08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.

10 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.

10 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).

11 The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a

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

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

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

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

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

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

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

18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

19 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

19 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.

20 The visibility splays shown on the approved plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.

20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

21 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles.

21 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.

22 The car parking area shown on the approved plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use.

22 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

23 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

23 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

24 Prior to the demolition of Morse's House, Home Place/Edithmead and the Doll's House, an annotated map indicating the former uses of the buildings and photographic survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

24 Reason: To ensure that appropriate information is secured to record the building prior to demolition.

25 Provision shall be made for the parking of cycles at the proposed office buildings and village centre in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 Reason: To prevent pollution of the water environment.

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

43 Reason: To prevent pollution of the water environment.

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

44 Reason: To prevent pollution of the water environment.

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

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

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

Notes to Applicant

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

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

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

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

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

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

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

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

2.0 **APPLICANT**

Barratt Homes Exeter.
Bellway Homes (S)
Strongvox.

3.0 **PROPOSAL**

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

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

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

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

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

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

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

4.0 **THE SITE**

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

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

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

5.0 **RELEVANT PLANNING HISTORY**

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

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG) 10

Policy SS1 Regional Spatial Strategy

Policy SS 3 The Sub-Regional Strategy

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

....

Central sub-region

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

...

Policy SS5 Principal Urban Areas

Policy SS14 Taunton

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

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

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR2 Towns

POLICY STR4

DEVELOPMENT IN TOWNS

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

POLICY STR7

IMPLEMENTATION OF THE STRATEGY

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

POLICY 35

AFFORDABLE HOUSING

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

Policy 39 Transport and Development

POLICY 42

WALKING

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

POLICY 44

CYCLING

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

Policy 45 Bus

Policy 49 Transport Requirements of New Development

Policy 60 Floodplain Protection

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S3

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

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

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

Policy H1

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

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

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

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

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

Policy H2

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

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

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

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

Policy H9

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

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

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

Policy H10

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

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

Policy H19 Designing out Crime

Policy EC9

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

Policy EC11

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

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

Policy EC15

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

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

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

Policy M4

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

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

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

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

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

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

Policy M5 Cycling

Policy C1 Education provision for new housing

Policy C4 Standards of recreational open space provision

Policy C6

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

Policy EN4 Wildlife in buildings to be converted or demolished

Policy EN5 Protected Species

Policy EN9 Tree Planting

Policy EN28

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

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

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

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

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

Policies T4 – T7

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

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

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

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

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

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

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

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

Paragraphs 33 – 39 Design

Planning Policy Statement 3 – ‘Housing’ (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 26/26 Market Housing

Paragraphs 27 – 30 Affordable Housing

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

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

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

Paragraphs 15/16 Species Protection

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

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

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

Appraising risk

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

Managing risk

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

Reducing risk

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

A partnership approach

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

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

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

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

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

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

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

Paragraph 13 Development Control – A Positive Approach

Paragraphs 14 – 18 Mixed Uses

Paragraphs 21 – 23 Re-use of Urban Land

Paragraphs 27 – 31 Imposition of Conditions

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

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

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

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

Paragraphs 4 – 6 Objectives

Paragraphs 12 – 17 Housing

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 – 74 Public Transport

Paragraphs 75 – 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

8.0 **CONSULTATIONS**

County Highway Authority

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CA18 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use.”

County Children and Young Peoples Directorate

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

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

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

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

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

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

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

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

Primary Requirements

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

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

Secondary Requirements

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

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

Summary of Costs

A summary of costs would therefore be as follows:-

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

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

Per Primary pupil: £8,693

Per Secondary pupil: £13,650

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

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

General Terms

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

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

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

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

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

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

Rights of Way Team (SCC)

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

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

If the work involved in carrying out this proposed development would

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

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

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

If it is considered that the development would result in

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

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

Environment Agency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To prevent pollution of the water environment.

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

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

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

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

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

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

REASON: To prevent pollution of the water environment.

In addition, the following comments must be noted:

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

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

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

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

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

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

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

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

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

“FLOOD RISK MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To identify a highway flood risk to motorists.

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

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

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

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

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

ECOLOGY

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

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

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

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

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

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

GROUNDWATER PROTECTION

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

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

The Agency recommends that developers follow the risk management

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

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

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

REASON: To prevent pollution of the water environment.

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

ENVIRONMENTAL MANAGEMENT

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be

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

REASON: To prevent pollution of the water environment.

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

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

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

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

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

contaminated) to control spillage and leakage.

REASON: To prevent pollution of the water environment.

In addition, the following comments must be noted:-

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

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

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

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

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

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

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

Wessex Water

“Foul Sewerage

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

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

Surface Water Drainage

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

Possible Adoption of New Sewers

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

Sewage Treatment

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

Water Supply

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

Somerset & Avon Constabulary

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

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

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

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

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

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

Chief Fire Officer

“Means of Escape

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

Access for Appliances

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

Water Supplies

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

Network Rail

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

1. FENCING

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

2. ROADS

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

3. DRAINAGE

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

4. SAFETY

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

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

5. GROUND LEVELS

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

6. SUPPORT

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

7. SITE LAYOUT

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

8. ENVIRONMENTAL ISSUES

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

9. LIGHTING

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

10. LANDSCAPING

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

Natural England

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

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

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

Somerset Primary Care Trust

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

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

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

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

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

In summary:

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

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

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

Somerset Industrial Archaeological Society

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

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

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

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

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

Landscape Officer

“My main concerns are:-

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

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

Nature Conservation & Reserves Officer

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

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

Bats:

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

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

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

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

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

Otters:

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

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

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

Slow Worms:

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

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

Nesting Birds:

Timing of works will be a consideration

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

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

Rights of Way Officer (TDBC)

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

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

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

Planning Policy

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

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

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

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

Economic Development Officer

No objection.

Drainage Officer

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

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

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

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

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

Leisure & Development Manager

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

OPEN SPACE

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

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

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

PLAY

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

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

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

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

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

PLAYING FIELDS

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

COMMUNITY FACILITIES

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

Housing Officer

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

Parish Council

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

(1) Transport

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

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

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

(2) Flooding

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

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

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

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

(3) Design of buildings

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

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

Primary Care Trust

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The sensitivity report has not been completed.

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

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

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

9.0 **REPRESENTATIONS**

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

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

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

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

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

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

Letter of Objection from Ward Member

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

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

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

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

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

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

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

A. Policy

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

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

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

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

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

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

B. Highways and Access

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

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

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

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

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

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

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

C. Affordable Housing

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

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

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

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

D. Flood Risk

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

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

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

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

The terms of the Agreement are as follows:-

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

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

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

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

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

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

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

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

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

E. Viability

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

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

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

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

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

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

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

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

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

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

F. Landscaping

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

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

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

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

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

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

G. Recreation

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

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

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

H. Wildlife

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

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

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

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

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

I. Design

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

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

J. Health Centre

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

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

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

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

K. Noise and Vibration

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

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

L. Contaminated Land

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

M. Sustainability

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

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

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

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

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

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

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

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

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

O. Other Issues

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

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

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

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

11.0 CONCLUSION

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

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

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

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

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

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

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Appendix

Taunton Deane Local Plan Policies

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

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

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