

34/2007/012

ABBAY MANOR HOMES

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

320685/126182

OUTLINE

1.0 **RECOMMENDATION**

Subject to:-

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

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

Permission be GRANTED subject to the following conditions:-

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

- 07 (i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 08 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 09 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 2005); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 09 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 10 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837: 2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local

Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.

- 10 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 11 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 11 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 12 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 14 The existing hedge(s) on the boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 15 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 16 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by

this Authority within 1 month of the completion of the landscape scheme.

- 16 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 17 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 17 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 18 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 19 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 20 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 There shall be no vehicular access to the site other than from Silk Mills Lane.
- 21 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 22 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 23 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 23 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 24 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 24 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 26 The site shall be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.
- 26 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 27 Only clean uncontaminated surface water from roofs and untrafficked paved areas shall be discharged to any soakaway.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 29 Oil or chemical storage facilities shall be sited in bunded areas. The capacity of the bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There shall be no working connections outside the bunded area.
- 29 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).

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

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 You are reminded that the submitted layout plan is for illustrative purposes only.
- 03 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 04 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 05 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 06 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 07 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station 01278 363414 for further advice.
- 08 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 You are advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

- 11 With regard to Condition 02, you should have regard to the attached 'Guidance Notes for Developers on Surface Water Drainage Issues - Somerset Version', which should be used to design the system and to accommodate flows from events up to and including the 1 in 100 year event allowing for climate change.
- 12 It is strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/code for sust homes.pdf](http://www.planningportal.gov.uk/uploads/code%20for%20sust%20homes.pdf) for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces carbon dioxide emissions and contributes to climate change mitigation. Running costs of the building are also reduced.
- 13 During construction the following comments apply:- (i) Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank. (ii) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (iii) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Agency must be advised if a discharge to a watercourse is proposed. (iv) Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- 14 The Environment Agency must be notified immediately of any incident likely to cause pollution.
- 15 All waste produced during the development of the site must be disposed of at a suitably licensed waste management facility, if it is not to be reused on site.
- 16 If construction and demolition waste is to be brought onto site for the development, an exemption from waste management licensing must be applied for.
- 17 You are advised to contact Wessex Water Developers Services to see if any of the on-site drainage systems can be adopted under a Section 104 Agreement.
- 18 The following advice is given in regard to fire safety:- 1. Means of Escape:- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. (ii) The travel distance from Flats 1, 6, 7 & 12 appear to be at the maximum length as specified in B1 2.20 Diagram 7. (iii) It is noted that the protected staircase discharges into a vehicle access area and information is required on how road vehicles will be prevented from blocking this entrance/exit. 2. Fire

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

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

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

2.0 **APPLICANT**

Abbey Manor Homes

3.0 **SITE**

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

4.0 **PROPOSAL**

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

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

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

5.0 **PLANNING HISTORY**

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

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

6.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13 Key Principles

Paragraph 27 Delivering Sustainable Development – General Approach

Paragraphs 33 – 39 Design

Planning Policy Statement 3 – Housing (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 25 – 26 Market Housing

Paragraphs 27 – 30 Affordable Housing

Paragraph 45 Using land efficiently is a key consideration in planning for housing. Regional Spatial Strategies should set out the region's housing density policies, including any target.

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

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

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

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

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

Paragraphs 15/16 Species Protection

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

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

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

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport. Paragraphs 4 - 6 Objectives

Paragraphs 12 - 17 Housing

Paragraphs 28 - 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 - 74 Public Transport

Paragraphs 75 - 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

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

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

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

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

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

Paragraph 18

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

Paragraph 21 – 22

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

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

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

Paragraphs 27 – 28 Planning Decisions

Paragraphs 29 – 30 Planning Conditions

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

Paragraphs 8 – 9 Noise Exposure Categories for Residential Development

Paragraph 12 Noise-sensitive Development

Paragraph 13 Measures to Mitigate the Impact of Noise

7.0 **RELEVANT PLANNING POLICIES**

RPG 10 – Regional Planning Guidance for the South West

Policy VIS 1 Expressing the Vision

Policy VIS 2: Principles for Future Development

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

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

Policy SS5 Principal Urban Areas

Policy SS14 Taunton

Policy EN1 Landscape and Biodiversity

Policy EN4 Quality in the Built Environment

Policy HO3 Affordable Housing

Policy HO6 Mix of Housing Types and Densities

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

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

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

Policy TRAN 1 Reducing the Need to Travel

Policy TRAN 3 The Urban Area

Policy TRAN 5 Deemed Management

Policy TRAN 10 Walking, Cycling and Public Transport

Draft Regional Spatial Strategy for the South West 2006 – 2026

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

Development Policy E High Quality Design

Policies SR20 and 21 Taunton and Bridgwater Spatial Strategy

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

Policy H1 Affordable Housing

Policy H2 Housing Densities

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

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

Policy ENV 2 Landscape Character Areas

Policy ENV 4 Nature Conservation

Policy RE5 Renewable Energy and New Development

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 1 Nature Conservation

Policy 33 Provision for Housing

Policy 35 Affordable Housing

Policy 39 Transport and Development

Policy 42 Walking

Policy 44 Cycling

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

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

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

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

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

H1 Planning and Monitoring of Housing Development

H9 Affordable Housing Within General Market Housing

H10 Indicative targets for affordable housing, as a percentage of the dwellings on each site, will be sought on allocated sites as set out in the following table:

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

H19 Designing Out Crime

M4 In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:

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

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

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

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

M5 Cycling

M6 Traffic Calming

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

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

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

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

EN12 Landscape Character Areas

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

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

EN28 Development and Flood Risk

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

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

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

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

8.0 **CONSULTATIONS**

County Highway Authority

Views awaited.

County Archaeologist

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

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

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

Environment Agency

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

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

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

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

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

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

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

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

Unfortunately there is:-

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

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

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

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

REASON: To prevent the pollution of the water environment.

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

REASON: To prevent the pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent the pollution of the water environment.

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

REASON: To prevent the pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

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

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

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

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

During construction the following comments apply:-

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

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

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

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

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

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

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

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

Wessex Water

“Foul Drainage

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

Surface Water Drainage

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

Adoption

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

Wessex Water, Developers Services, Riverside, Chilton Trinity, TA6 3JS

Sewage Treatment

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

Water Supply

Network modelling is required to determine the adequacy of the existing water mains.”

Education Officer

Views awaited.

Avon & Somerset Constabulary

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

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

Devon & Somerset Fire & Rescue Service

“1. Means of Escape

- 1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
- 1.2 The travel distance from Flats 1, 6, 7 & 12 appear to be at the maximum length as specified in B1 2.20 Diagram 7.
- 1.3 It is noted that the protected staircase discharges into a vehicle access area and information is required on how road vehicles will be prevented from blocking this entrance/exit.

2. Fire Resistance

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

3. Access for Appliances

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

4. Water Supplies

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

Western Power Distribution

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

Landscape Officer

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

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

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

Nature Conservation & Reserves Officer

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

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

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

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

The results of surveys will inform conditions”

Forward Plan

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

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

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

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

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

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

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

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

Environmental Health Officer

Views awaited.

Drainage Officer

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

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

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

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

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

Housing Officer

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

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

Leisure Development Manager

“GENERAL

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

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

CHILDREN'S PLAY

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

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

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

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

PLAYING FIELDS

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

Staplegrave Parish Council

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

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

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

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

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

The following further comments have also been received:-

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

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

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

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

Norton Fitzwarren Parish Council (neighbouring parish)

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

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

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

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

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

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

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

9.0 **REPRESENTATIONS**

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

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

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

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

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

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

A. Policy

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

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

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

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

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

B. Access

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

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

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

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

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

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

C. Design

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

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

D. Parking

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

E. Landscape

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

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

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

F. Wildlife

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

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

No impact on amphibians is perceived.

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

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

G. Noise

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

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

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

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

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

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

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

H. Education

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

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

I. Leisure

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

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

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

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

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

J. Affordable Housing

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

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

The above is acceptable to the Housing Officer

K. Drainage

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

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

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

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

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

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

L. Security

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

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

M. Sustainability

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

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

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

12.0 CONCLUSION

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

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

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: Mr J Hamer Tel. 356461