

RESIDENTIAL DEVELOPMENT COMPRISING UP TO 37 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT CANONSGROVE HALLS OF RESIDENCE, HONITON ROAD, STAPLEHAY (AS AMENDED)

Location: CANONSGROVE HALLS OF RESIDENCE, HONITON ROAD,
STAPLEHAY TRULL, TAUNTON

Grid Reference: 321021.121265 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to a Section 106 to secure

- the maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove, and
- linking the timing of the residential development at Canonsgrove to Student accommodation provision at Somerset College.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the

Taunton Deane Core Strategy.

3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.
 - Details of lighting

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for **wildlife** shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses **have** been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind **these** species **are** protected by law.

5. 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.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to retained Policy EN6 of the Taunton Deane Local Plan.

6. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. Details of the siting of any 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 or materials is to be stored on site. Development shall, thereafter, be carried out in accordance with the agreed details.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Before any part of the development hereby permitted is commenced a plan showing:
 - (a) 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 Section 5 of BS 5837:2012); and
 - (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.

Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with retained Taunton Deane Local Plan Policy EN6.

9. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two 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 BS 5837:2012.

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 Core Strategy Policy DM1.

11. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning

Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. Details of the proposed play area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling hereby permitted. The scheme shall be constructed in accordance with approved details within 18 months of the first occupation and shall thereafter be retained as such and used solely for the purpose of children's recreation.

Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with retained Taunton Deane Local Plan Policy C4.

13. No dwelling shall be occupied until a Travel Plan for this development has been submitted to and approved in writing by the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that residents will travel to and from the site by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

14. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan (00244_L021RevG). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety.

15. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety.

16. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

17. Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted in writing by the Local Planning Authority and no work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained as such.

Reason: To ensure adequate highway drainage to serve the site and prevent the risk of highway flooding.

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

Reason: In the interests of highway safety.

19. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commence of development.

Reason: To ensure suitable links to the highway and footpath.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The proposal is an outline residential scheme, now amended to erect up to 37 executive houses to replace the existing Canonsgrove Halls of residence as a means of funding new student halls of residence on the College campus in town. The scheme was originally for 50, was then amended to 32 and, since last considered by Members, has recently been amended by 5 dwellings from 32 to 37 to take account of the viability report as CIL now applies to the site. The student accommodation is poorly located and some are in poor condition with high maintenance costs and the College is losing students to other locations in the south west. The houses will be located across the site and include a former playing pitch as well as the halls to be demolished.

The scheme is submitted with a Design and Access Statement, Planning Statement, Flood Risk Assessment, Transport Statement, Travel Plan, Archaeology and Heritage Assessment, Landscape and Visual Amenity Statement and Ground condition survey and Viability Assessment.

SITE DESCRIPTION AND HISTORY

The site consists of the existing halls of residence on the northern part of the site with largely 3 storey buildings accommodating up to 200 students and car parking. The site is screened from the Honiton Road and views from the north by well established trees. The southern part of the site on lower ground is a little used playing field and it is divided from the northern part by a copse of trees some of which are covered by a preservation order. The western boundary along Sweethay Lane is screened by mature hedges and trees. The adjacent Canonsgrove House and property to the south have significant trees along the boundary which screen the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL - strongly objects to this application.

[Comments on original application](#) (for 50 dwellings)

As it stands there is no provision for affordable housing or any community contribution. So whilst there would be a large impact on local resources and infrastructure it would bring no benefits to the parish at all. Trull Parish Council's response to the recent Site Allocations and Development Management Plan consultation stressed that development in this rural area is not viable. This application does nothing to convince us otherwise. It is in no way sustainable and does not address transport, highways or schooling problems that would arise. Whilst there is much reference to enabling Somerset College to progress it would be at the expense of disabling the parish of Trull.

The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group showed there was a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the future possibility of 2,000 homes in the Comeytrove area as identified in the Core Strategy. We believe this application constitutes piecemeal development. Furthermore it plainly seeks to take advantage of the fact that the Council's Site Allocations and Development Management Plan is currently being processed. We would prefer to see the planning authority take a stand against such opportunism.

Comments on amended application (reducing to 32)

Trull Parish Council would like to reaffirm its strong opposition to this amended application. Whilst the number of dwellings has been reduced the development would still have a large impact on local resources and infrastructure. It does not address transport, highways or schooling problems that would arise, and it brings no benefits to the parish at all as there is still no provision for affordable housing or any community contribution. Trull Parish Council's response to the recent Site Allocations and Development Management Plan consultation stressed that development in this rural area is not viable. This piecemeal application does nothing to convince us otherwise. The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group also showed a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the future possibility of 2,000 homes in the Comeytrove area as identified in the Core Strategy. With reference to this application "enabling" Somerset College to build new student accommodation on campus, the Parish Council is concerned that the radical reduction in the number of dwellings will not actually generate sufficient funds to finance the linked proposal. The Parish Council is also concerned at the loss of local recreation facilities that despite alternative provision being made available in a new location would not be convenient for many parishioners to access. We still believe this application seeks to take advantage of the planning process in order to benefit Somerset College at the expense of disabling the parish of Trull.

Further comment on second amended plan (increasing to 37)

Trull Parish Council would like to register its strong objection to this amended application. The Parish has objected to a series of amendments over the year reducing the number of dwellings. This time the increase from 32 to 37, has generated a greater objection.

Even with the 32 approved dwellings the development would have a large impact on local resources and infrastructure. An increase in number can only constitute an

increase in pressure on services, including transport, highways and schooling.

The Parish Council would also echo the concerns of local residents about the inadequacy of drainage on the site for the approved number of houses, let alone five more.

Whilst the applicants make reference to an updated 106 plan, it is regrettable that this is not available to view on the planning portal. Trull Parish Council is still not satisfied that there is any direct benefit to the parish in the form of provision for affordable housing or community projects.

Trull Parish Council response to the Site Allocations and Development Management Plan consultation stressed that development in rural areas is not viable. The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group also showed a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the possibility of 2000 homes in the Comeytrove area as identified in the Core Strategy. With this in mind the Parish Council refute the claim contained in the updated Design & Access Statement that the proposal would provide "much needed housing".

Our previous response to the amended application in March 2013 included the comment: "With reference to this application "enabling" Somerset College to build new student accommodation on campus, the Parish Council is concerned that the radical reduction in the number of dwellings will not actually generate sufficient funds to finance the linked proposal."

The applicants acknowledge that this proposed increase in dwellings is required specifically in order to finance the new build halls of residence due to both developments attracting CIL payments. Trull Parish Council therefore feels justified in its concern and finds it hard to not to feel that our local environment is, in fact, the sacrificial lamb.

LANDSCAPE - subject to suitable landscape mitigation it should be possible to significantly reduce the impact of the proposed development especially given the present level of buildings within the northern treed areas. Detailed management proposals for the landscape buffer and its ongoing maintenance will be critical to the longer term landscape success of the scheme.

ENVIRONMENT AGENCY - We have **no objection** to the proposed development subject to the following **CONDITION** being imposed upon any permission granted:

CONDITION: No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to applicant: We note that the discharge rate from this site has been reduced to 2 l/s/ha in line with our recommendations. We see from the micro-drainage and surface water drainage proposals that enough storage could be provided on site when the development progresses to the detailed design stage.

No permeability testing has been undertaken, and the surface water drainage plan includes a detention basin and underground storage. Surface water drainage should be stored above ground where possible.

There are a number of options for discharging to the nearby watercourse - either via a highway ditch or a new section of surface water sewer. Wessex Water has provided a consultation response stating the acceptability of the principle of this (subject to detailed design). We are disappointed to see that the surface water drainage layout does not show pipe connectivity through the site, or the routing options for drainage pipes to the ordinary watercourse. This must be explained in detail at the detailed design stage.

Any surface water drainage scheme submitted to discharge the above condition must meet the following criteria:

1. Any outflow from the site must be limited to the 2 l/s/ha Greenfield run-off rate and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDs techniques available means that virtually any development should be able to include a scheme based around these principles.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Under the terms of the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority is required for any proposed works that impede the flow of an 'ordinary watercourse'. The need for Land Drainage Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Glyn Parry at Somerset County Council on 01823 355418.

NATURAL ENGLAND - Based on the information provided Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

You should apply standing advice to this application as it is a material consideration in the determination of applications in the same way as any individual response from Natural England following consultation.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits to the local community, for example through green space provision and access to and contact with nature.

POLICE CRIME PREVENTION DESIGN ADVISOR –

Crime Statistics - reported crime in this location is almost non-existent.

Anti-social behaviour reports in the same area during the same period total 3 (classed as ASB – Nuisance) which are also very low levels.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to open, direct and are likely to be well used creating active dwelling frontages. Where desirable to limit access/use to residents and legitimate visitors, features such as rumble strips, change of road surface by colour or texture, brick piers, pillars at the entrance or similar features can help define the defensible space of the development giving the impression that the area beyond is private.

Dwelling Layout & Orientation – the enclosed nature of the development with only one entrance/exit point has advantages from a crime prevention perspective in that it can help frustrate the search and escape desire of the potential offender. Dwellings are positioned to face each other, which is also recommended, as this allows neighbours to watch over one another and creates conditions where the potential criminal feels vulnerable to detection.

Communal Amenity Area – such areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this development, the proposed LEAP and Open Amenity Space are suitably located adjacent to one another in the centre of the development with good all round natural surveillance from nearby dwellings. Boundaries between this public and private space should be clearly defined and features which prevent unauthorised vehicle access incorporated.

Dwelling Boundaries – it is important that the boundary between public and private areas is clearly indicated. Judging by the Indicative Masterplan, the dwellings do not appear to incorporate any defensible space at the front e.g. front garden, lawn or similar and I recommend that this be considered. Similarly, the two dwellings abutting the footpath leading to the Attenuation Pond should incorporate some defensible space at the front/side of the dwellings as appropriate. It is desirable for frontages to be open to view, so any walls, fences, hedging or similar should be maximum height 1 metre to assist resident surveillance of the street. Vulnerable areas such as side and rear gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. The majority of dwellings appear to back onto a continuous landscape buffer which should be to this height, particularly those backing onto Sweethay Lane. The dwellings backing onto the area of the Attenuation Pond are particularly vulnerable from the rear and may require additional protection. Gates providing access to rear gardens should be the same height as the adjacent fencing, minimum 1.8 metres, and lockable.

Car Parking – the DAS does not appear to provide details of proposed car parking, which I assume to be in-curtilage garages or similar, which is the recommended option.

Landscaping/Planting – should not impede opportunities for natural surveillance and must not create potential hiding places. With this in mind, in areas where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly important in the area of the Attenuation Pond bearing in mind the public footpath through this area and the nearby dwellings backing onto it.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489.

Physical Security of Dwellings – the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved ‘Secured by Design’ award scheme, full details of which are available on the SBD website.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comment received.

SCC - CHIEF EDUCATION OFFICER - In the event that this application is approved before the Borough Council’s CIL Charging Schedule is in place, it would be necessary to secure education contributions under Section 106, in relation to secondary and primary school places, but not pre-school places in this particular case. These would be calculated as follows:

30 primary places per 150 dwellings; so $50/150 \times 30 = 10$ places

Trull Primary School is currently already over capacity

Cost per place; £12,257; so $10 \times 12257 = £122,570$ contribution

30 secondary places per 210 dwellings; so $50 / 210 \times 30 = 7$ places

There is limited capacity at Castle School, but the cumulative impact of other developments in its catchment will mean it being over-subscribed in the very near future.

Cost per place; £18,469; so $7 \times 18469 = 129,283$ contribution

3 pre-school places per 100 dwellings; $50 / 100 \times 3 = 1.5$ (2) places

These would presently be available in the vicinity of the site.

If the application is determined after the CIL Charging Schedule applies, the County Council would be seeking equivalent contributions to these additional costs from CIL receipts collected by the Borough Council, in order to ensure the development is sustainable.

SCC - FLOOD RISK MANAGER - No comment

DRAINAGE ENGINEER - I am fully in agreement with the comments made by the Environment Agency dated 15 February and the conditions they wish to impose. Surface water should be controlled by the application of SUDs techniques as outlined in the EA's comments.

SCC - TRANSPORT DEVELOPMENT GROUP –

Traffic Impact

The applicant has provided a Transport Statement (TS) as part of their submission this has been assessed by the Highway Authority and our observations are set out below.

Vehicle movements for the existing use have been provided in Table 3.1 on page 12. These were obtained from a traffic count undertaken on Monday 20th February 2012 at the site entrance between 0700-1000 and 1600-1900. Table 3.2 provides the proposed trip rates for 50 dwellings. Having reviewed these figures and also the TRICS datasets provided in Appendix H these are considered to be acceptable to the Highway Authority. From the details provided it appears to show a net trip generation in the AM peak of 12 extra departures whilst the PM peak will have between 9 arrivals and 10 departures.

Based on these figures the net traffic impact of the development has not been considered in great detail in the Transport Statement. It is accepted that this is very small in terms of volume. However the applicant should note is that traffic heading to Taunton via Trull Road will experience congestion in the AM Peak at the Compass Hill/Cann Street Gyratory.

Regarding the trip distribution this information was not required as part of the applicant submission however it would be expected that the majority of traffic would head along Honiton Road/Trull Road into and out of Taunton.

Turning to the sites accessibility pedestrians will be able to access the site via a new footpath on the west side of Honiton Road which is unlit. Given the distance to Taunton and the unlit element of footway it is the Highway Authority's opinion that it is likely that modal shift will be limited. Paragraph 2.4.1 indicates that no dedicated cycle facilities exist in the vicinity of the site this would lead to cyclists would have to utilise the road network. As a consequence it is likely that it would deter a modal shift.

Paragraph 2.6.2 states that the nearest bus stops to the site are a 125m walk from the centre of the site and are a hail and ride service. Full bus timetables have been provided as part of the Transport Statement submission. The Highway Authority does have some concerns as to whether the services will serve the site in the same manner as they do now with the existing use. The applicant will need to provide further information on this point. If it is the case that the current service will cease then the nearest bus stop would be less than 300m away. In either case, modal shift may be limited by the lack of a bus shelter, unlit footway to the site and infrequency of services.

Regarding the provision of parking as this is only an outline application no specific numbers have been provided although the applicant has indicated in paragraph 3.6.1 states that vehicle, motorcycle and cycle parking provision will be provided in accordance with the Somerset Parking Strategy. This is considered to be acceptable and the Highway Authority would request that detailed parking requirements are provided as part of any reserved matters application.

Therefore to conclude in terms of traffic the proposal is likely to have a minimal

impact on the surrounding highway network. However the applicant will need to provide further details on the future bus services from the site.

Travel Plan

The applicant has provided a Travel Plan as part of their submission. This was submitted for audit and this process has now been completed and a copy of the report is attached. Please could you make sure that this is passed to the applicant to action.

Please note that the Travel Plan will need to be secured via way of a legal agreement.

Estate Roads

Where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of Honiton Road where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. Drawing A 075412/1403/A contains proposed alterations to the existing vehicle access served via Honiton Road. The alterations proposed to the access will have to be the subject of a formal technical audit with the Highway Authority. From the details shown on the submitted plan it appears that a block paved shared surface carriageway is to extend from Honiton Road into the development site. Rather than having shared surface road abutting the existing highway and increasing the possibility of the blocks becoming dislodged, it would be preferable to lay a 6.0m bitumen macadam carriageway up to the commencement of the shared surface road or traffic calming feature. The construction of the block paved carriageway should include a Terram layer between the sand bed and the roadbase layer, to prevent the migration of the sand. The depth of the roadbase layer should be increased to 75mm.

The full extent of the required splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level. The submitted drawing indicates that the existing illuminated bollards adjacent to the access road will remain. However it appears that the bollards are located outside the red line of plan as such who will be responsible for maintaining/energising for there future maintenance.

From the details provided it is presumed that the proposed internal estate roads will take the form of a 5.0m wide type 4 bituminous macadam carriageway with 2.0m wide footways. Would the applicant please confirm that this is the case. The proposed 'square' serving six dwellings on the right hand side as you enter the residential aspect of the site, could take the form of a 5.0m wide block paved shared surface carriageway with 500mm-1000mm wide service margins. Longitudinal gradient within channels should be no slacker than 1:80 to aid the dispersal of surface water. Furthermore the applicant will need to make sure that the swept path of an 11.7m long 4 axle refuse vehicle should be tested throughout the 90 degree bends of the 'rectangular' estate road, towards the western site boundary as well as the 'square' estate road. An adoptable turning head, set out to dimensions as set out within 'Estate roads in Somerset – Design Guidance Notes

(Section 3.15) will be required at the end of the proposed estate road, closest to the north-eastern site boundary.

Where footways are proposed along one side of the carriageway an adoptable 1.0m wide margin will be required on the other side of the carriageway. Can the applicant please confirm future maintenance arrangements for grass verges within the highway boundaries. It should be noted that the Highway Authority does not have the capacity to maintain such areas.

In addition to the above there are some general estate road layout points that the applicant should be aware of. Firstly no doors, gates or low-level windows, utility boxes, down pipes are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footways/shared surface carriageways clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps. Secondly planting within adoptable areas will require a commuted sum, payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway, 3.0m from drainage/services and 1.0m from the carriageway edge.

Root barriers of a type to be approved by Somerset County Council will be required for all trees that are too planted within or immediately adjacent to the highway to prevent future structural damage to the highway. Any planting within or adjacent to the highway must be supported by the submission of a comprehensive planting schedule to Somerset County Council for checking/approval purposes.

Turning to the sites parking provision it has been established that the exact number of parking spaces will be set at the reserve matters stage. However the applicant will need to be aware that private drives serving garages shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway. Tandem parking bays shall be a minimum of 10.5m in length and parking bays shall be a minimum of 10.5m in length and parking bays that immediately but up against any form of structure (wall, planting or footpaths) then they should be constructed to minimum length of 5.5m, as measured from the back edge of the prospective public highway.

Adoptable 17.0m forward visibility splay will be required throughout all inside carriageway corners. The full extent of the splays will be adopted by Somerset County Council and there shall be no obstruction to visibility greater than 600mm above adjoining carriageway level.

Section 4 of the Design and Access Statement makes reference to proposed pedestrian and cyclist paths being created to connect the two parts of the site. Will the applicant please confirm whether they will be responsible for the future maintenance of these routes. However if these are to be offered to Somerset County Council then they will have to be constructed to the required standard and adequately lit and drained. Additionally will the applicant be able to confirm whether there will be a cycle link from the application site onto Sweethay Lane? If there is then the interface of the cycle link with Sweethay Lane should include visibility splays of 2.0m x 20m in both directions. The splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level.

Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator (01823 483135). Surface water from all private areas, including drives and parking bays, will not be permitted to discharge onto the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening. In addition the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not any existing ditches or watercourses within the development site are to be piped or require culverts. Any such works will require the approval of the Local Authority under Section 263 of the Public Health Act 1936.

The drawing also shows an attenuation pond in the middle of the site. Would the applicant be able to confirm who will be responsible for the future maintenance.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the work at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement. Existing carriageway gullies and carrier drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing carriageway gully or public sewer, the developer shall be responsible for its removal.

Flood Risk Assessment & Drainage Strategy

The submitted Flood Risk Assessment has been assessed by the Highway Authority and our comments are set out below.

The surface water management strategy is considered to be acceptable to the Highway Authority in principle and the detail of how any prospective public highways are drained in the site will be assessed at the detailed design stage as part of a reserved matters application.

The document has proposed off-site connectivity into the Galmington Stream and refers to the need to negotiate a discharge into the roadside ditch with ultimate discharge into Galmington Stream. The key issue is that the first presumption must be that the Highway Authority currently prescriptive rights to discharge into the ditch only and that the ditch is in the riparian ownership of the adjacent land owner. The Highway Authority's prescriptive rights need to be recognised and protected when considering the discharge from the development. Further, as this ditch doesn't appear on the highway drainage records there is no knowledge as to whether it actually provides connectivity to the ordinary watercourses/ditches leading to Galmington Stream.

From reviewing the ordinance survey plans it appears that there is an existing pond to the south of the southern most playing field. This appears to align with the ditch that runs east-west across land which is to the west of Little Canonsgrove Lane. It is possible that this pond has some form of connectivity to this ditch and could therefore form part of the off-site drainage route. Therefore the applicant would be required to provide further information in the form of a connectivity survey of the

area. This would allow the Highway Authority to understand the drainage of the site and how it will reflect the surrounding area.

It is noted that the applicant has proposed to utilise permeable paving but the designer will need to consider the interface between any such areas and the prospective public highway. Please note that preference should be given to designing these permeable paved areas to fall away from the highway so that any reduced performance is evident to the owner.

The applicant has proposed a large area of underground storage the Highway Authority is concerned with its proximity to the internal roads. The applicant will need to amend this so that where possible storage should be located in public open space to avoid the cost and complications of locating these services under the adopted highway.

Conclusion and Recommendation

In conclusion the traffic impact associated with this proposal is considered to be minimal and should not have a detrimental impact on the surrounding highway network. The internal layout is considered to be broadly acceptable although the applicant will need to take note of the estate road comments set out above and then amend the drawings accordingly before their next submission.

However the Travel Plan will need to be amended to reflect the attached report and will need to be secured via a legal agreement.

Finally in terms of drainage although the water management strategy is broadly considered to be acceptable in principle although the applicant will need to take into account the comments raised above and amend the layout so any storage systems are not located within the highway. In addition the applicant will need to obtain permission from the land owners of the roadside ditch.

Therefore taking into account the above information on balance the Highway Authority raises no objection to this proposal and if planning permission were to be granted actions and conditions will need to be attached.

- Secure Travel Plan via S106 agreement.
- Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted to and approved in writing by the Local Planning Authority and other interested parties Any drainage works shall be carried out strictly in accordance with the approved document.
- The applicant shall ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.

- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, cat, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance

with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

SPORT ENGLAND SOUTH WEST -

Sport England has considered both applications in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields, as follows:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Additionally when considering proposals affecting sport and recreation including playing fields, the Government's National Planning Policy Framework (paragraph 74):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or

The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Council carried out a Playing Pitch Strategy in 2010 in line with the Sport England guidance of the time. We have recently published revised guidance which has some fundamental differences including looking at a 'site by site' approach and moving away from a numbers driven approach as previously developers seek a headline figure to justify disposal. The new guidance seeks to demonstrate how sport is played (matches and training) in an area, what pitches and ancillary facilities are needed now and in the future. The Council will need to update the 2010 study in line with the new methodology in the future.

The Proposal on the Canonsgrove Site

Canonsgrove currently has a playing field on site which contains one adult football pitch. The site is used by the College with limited if any community use. There is also a sports hall on site, again for student use only. Both sporting facilities could be used by the wider community. The planning application seeks to build residential dwellings on this site and the sports hall and playing field would be lost to development.

The loss of this site is seen as the 'enabling development' for the Wellington Road site. There will be a loss of playing field. A sports hall will also be lost to the development. The proposal does not meet any of the exceptions to our Playing Fields policy, as explained below:

E1 – a Playing Pitch Strategy – the site is not identified for disposal in the PPS

E2 – the proposal is not a sporting ancillary development to serve the playing field e.g. a pavilion

E3 – the land lost is capable of being used for sport

E4 – there is no like for like (or better) replacement playing fields. The proposal at Wellington Road is for loss of playing field in part, and intensification (AGP) in part. Overall there will be a loss of grass playing fields.

E5 – the development is not for an alternative sporting facility e.g. swimming pool

In light of the above, Sport England objects to the two proposals because they are not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit (NPCU).

For the avoidance of doubt, and in accordance with Circular 02/09, Sport England is objecting on the following grounds:

- That the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;
- That where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

For the Canonsgrove site. we would like to be kept informed of any proposals to significantly increase the playing field land at the Wellington Road site (from agriculture) that would extend the playing field to replace the Canonsgrove, and may therefore meet exception E4 as stated above. We would also like to know what the replacement details are for the loss of sports hall.

Revised comments

This planning application should be REFUSED on the grounds that the development will lead to the loss of playing fields. It is in conflict with current Government Policy (National Planning Policy Framework paragraph 74) and Sport England's national Playing Field Policy (as set out in our letter dated 14th January 2014).

The agent has submitted an amended 'sports package'. The proposals if granted will see the loss of a sports hall and a playing pitch (adult football approx. 1.0ha) at Canonsgrove. At Wellington Road, the indicative layout plan shows significant playing field loss (approx. 0.9ha).

The proposed gain to sport, as amended, includes:

- Enhance drainage to one adult football pitch. No specifications of what this work includes including confirmation of size of pitch.
- 1 x sand based lit 'half sized' artificial pitch (with fencing).
- Investment into the adjacent 3G artificial grass pitch at Castle School. No specifications on the replacement carpet.

The submitted plan also shows a 'possible future' 8 court sports hall with changing BUT this does not form part of the proposed mitigation package. Its inclusion is mis-leading. Therefore there is no 'like for like' or better replacement for the existing sports hall to be lost at the Canonsgrove site.

Sport England has therefore re-considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The inadequacy of the proposed sport mitigation package

The Playing Pitch Strategy for Taunton Deane is older than 3 years without any review and therefore we would strongly encourage the Council to update it in line with paragraph 73 of the NPPF. Without this evidence base, we are not in a position to agree that the District can afford to lose any playing fields. Once lost, they are lost forever. In this case, the proposal is seeking to lose nearly 2 hectares of playing fields without adequate replacement.

We welcome the grass pitch (x1) enhancements including drainage at the Wellington Road site. We would like to see what pitch works is needed via an independent natural turf grass specialist report and their recommendations that might lead to improved drainage. If this report has already been carried out, we would welcome the opportunity to review the recommendations.

We note the letter of general support from SASP. We disagree with SASP that this revised proposal is 'strategic'. Work that Sport England has carried out for SASP in the recent past shows a high level of supply of artificial grass pitches in the Taunton area. The provision of a 'half sized' sand artificial pitch is purely to meet a 'curriculum' need created by the College. It will be purely a training and recreational space not for competitive use. Being laid on a concrete base, it also leads to a loss of natural turf for sport.

The agent puts forward an interesting but misleading proposal to invest into a new carpet at the 3G artificial grass pitch (AGP) at the adjacent Castle School. The school was granted planning permission approximately a decade ago. On that planning application Sport England raised no objection to the loss of natural turf provided the proposed floodlit athletic track and AGP are made available for community use by way of a formal 'community use agreement' and adequate maintenance arrangements are clearly set out. The applicant was made aware that artificial surfaces are expensive to provide and require a significant revenue support. It is necessary to allocate significant budgets for on-going maintenance requirements. In addition a year on year sinking fund is required to ensure facilities

are replaced when they are “worn out”. This would’ve also been set out in the terms and conditions of the funding that this facility received. But 10 years later, there is a high level of community use but no money has been set aside by the school, the County Council nor the operator to replace the carpet. It is also our opinion that the planning system should not be used to make up for past management and maintenance failures on the adjacent site. There is also a questionable ‘planning’ link between the two sites other than geography.

Additionally, the AGP within the track is too small for competitive adult rugby matches. At best, with the right construction to meet the IRB22 performance standard, the pitch will be limited only if any community slots are available.

The current proposal does not include the ‘future’ 8 court sports hall and the inclusion of this on the revised masterplan is misleading as noted earlier in this letter.

We have sought views from the FA, RFU and England Hockey:

FA

1. There is still a loss of grass playing pitches that could be needed with the proposed increase in population levels in Taunton. It is irrelevant that they are not currently used, they could be.

2. How can the existing 3G be increased to be ‘rugby compliant’ other than for training with a shock pad. It is surrounded by an athletics track – or is it simply going to be available for rugby training? If it is just for training, the pitch is at capacity with football use with 95% full use bar a couple off peak hours which has to take precedence due to the previous Football Foundation grant – any T&Cs will need to be novated to any new lease holder along with current user bookings being retained? Pricing policy would need to be maintained as it is.

3. A sand dressed AGP is taking out further grass pitch area. Unsure if Netball can play on any AGP Surface

4. The comment on The FA comment on the College and Castle School working closer together is noted and welcomed for sustainability – it should also be noted that the 3G surface should not have to be in the position where it needs to raise capital funding to replace it – there should have been a sinking fund or an agreement in place to do this without the need to sell other sites.

RFU

1. Currently there is no IRB 22 Compliant AGPs in Taunton Deane for community use.

2. No technical specification of the surface or dimensions of the area have been provided, thus making it difficult to establish what and how the proposed facility can be used for. i.e Junior Matches, Senior Matches, Training provision. The RFU are mindful that the surface is proposed to be used for football – will the surface be divided into small sided pitches with the use of wiretrack netting?

3. No formal business plan has been produced to identify the usage and availability for potential rugby use. The RFU would wish to see a robust plan identifying both a maintenance budget and an appropriate sink fund is identified.

4. All artificial grass pitches are required to be tested within three months following completion to confirm that they have been installed to meet IRB Regulation 22 standards. This field testing is carried out by independent test laboratories on behalf of the club/operator. The club/operator is then required to provide the RFU with a copy of the report in order to gain permission for the use of the artificial grass pitch for the next two years.

RFU permission requires the club/operator to:

- Follow the regulations detailed in the RFU Handbook for the use of artificial surfaces.
- Monitor and log injuries sustained by players participating on the pitch in line with the normal injury reporting procedures set out by the RFU.
- Ensure that an appropriate maintenance programme using appropriate maintenance machinery is undertaken and logged in accordance with a maintenance programme issued by the installer. This should be requested from the contracted installer if not made available.
- The club/operator will then be required to test the artificial grass pitch before the end of the two-year period to provide evidence that the pitch continues to meet the standards.

Taunton RFC do have a need for additional training and playing surfaces, this surface could potentially support their activities if the Community Access Agreement was in place.

EH

In addition to comments in the original response where it was stated that there are 9 hockey specific AGPs in Taunton, the Artificial Grass Pitch at Heathfield School – currently this AGP will be refurbished in the near future, which will extend the life of the existing sand carpet. Taunton Civil Service HC an accredited club play at this site.

Smaller sized sand AGP at Somerset College – this will be ideal for curriculum use by both the SCAT and Castle. However the community use for hockey will be very limited. Possibly a Rush Hockey site.

In light of the above, Sport England maintains its objection to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy and Government Policy regarding playing fields.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit. We would expect them to give serious consideration to 'calling-in' this application.

For the avoidance of doubt, Sport England is objecting on the following grounds:

- That the proposed development would result in a deficiency in the provision

- of playing fields in the area of the local authority concerned;
- That where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

We would welcome the opportunity to comment on a further revision to this application which provided replacement playing fields that would have the potential to meet E4 of our Playing Fields Policy and the second criterion within paragraph 74 of the NPPF.

It is a concern that 'good planning' is being side-lined by the agent's need to generate a planning approval before the 1 April 2014 when this development (if approved) would be required to make a payment to the Community Infrastructure Levy. As stated in this letter there are a number of issues and unknowns with the proposed sports package which need to be sorted.

BIODIVERSITY - Findings of the reports are as follows:

Bats - Four transect visits between March to September over two survey seasons and the use of an anabat found at least nine species of bat were recorded using the site boundary features, including barbastelle and lesser horseshoe. The site's hedgerows connect to the surrounding landscape and known roosts in the wider area and so the surveyor considers the site to be of regional importance for bats.

Small numbers of pipistrelle roost within three buildings on site and the mature trees offer varying degrees of bat roosting potential. The mitigation recommends retention of trees and hedgerows but i am still unsure of the extent of proposed tree removal. It is very important that dark corridors are retained for commuting and foraging bats (and dormice) and so i have concerns that street lighting will be required on Honiton Road.

Great Crested Newts (GCN) - Fourteen ponds are located within 500m of the site, however surveys were not undertaken on four. A HIS was applied to the remaining ponds in March 2013 and four presence/absence surveys were undertaken in May/June. A variety of survey methods were used. GCN were to be found to be breeding in ponds 5, 8, 9 and 12. (In addition a small population of GCN was found within 500m of the site during the adjacent Broadlands application survey.)

The peak count on any one survey was 18 adults. This is a medium population across five ponds. Works are likely to impact on GCN so an EPS licence will be required from Natural England.

Aquatic habitats will not be lost by this development therefore the mitigation needs to focus on terrestrial habitat. I agree that at least a 5m buffer should be retained for GCN around the perimeter of the site. I also agree that private gardens should not back onto the boundary hedges.

Dormice - The hedgerows on site connect to a wider network in the landscape and contain hazel, a species which dormice typically depend on for food and so offer a high potential for dormice. A survey was carried out by WYG placing fifty nest tubes at 20m intervals in hedges on site in March 2013. A hazel dormouse nest was found in June 2013 confirming the presence of dormice. (A population was also recorded

in hedgerows to the north.) Any removal of vegetation on site will therefore require a Dormouse EPS licence. The surveyor suggests that to minimise impacts on dormice on site, private gardens should not back on to the hedgerows but that the hedgerows should be managed as part of the public open space. The current housing layout does not appear to follow this advice.

Reptiles - A reptile survey was undertaken involving seven visits between May to June 2013. On six visits a maximum of two slow worms were found resting under artificial refugia in the corner of the amenity grass field along the hedgerow margin. I support the recommendation to retain and protect the a 5m buffer along the western boundary of the site using permanent newt fencing.

It is not clear at this stage if street lighting will be required on Honiton Road. If this proves to be the case it will greatly impact on bats and dormice potentially affecting the Favourable Conservation Status of these species.

Dormouse and Great Crested Newt EPS licences will be required to develop this site. I do not consider the current layout offers the best mitigation for wildlife.

HOUSING ENABLING - The requirement would be for 25% affordable housing provision, however following discussions with the applicant and submission of a supporting viability statement this scheme is being viewed as an enabling development for planning application 42/13/0079 and will not provide affordable housing.

LEISURE DEVELOPMENT - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings. The application shows an on site provision of a LEAP which is suitable for sites of 20 x 2bed family sized dwellings. Should this application progress to more than 20 to 50 dwellings then a NEAP should be provided on site. This equipped children's play space should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. The Open Spaces Department should be asked to comment on the actual design and content of the play ground.

The development proposal would lead to the loss of both the current playing pitch and sports hall, which is to be regretted and for which compensatory provision should be sought by replacement elsewhere to Sport England standards. Sport England should be asked to comment. In addition to replacement of the current playing pitch and sports hall an off site contribution towards outdoor recreation of £1571 per dwelling should be sought to provide additional facilities for the benefit for new residents.

A contribution of £194 per dwelling should be sought for allotment provision and a contribution of £1118 per dwelling towards local community facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings. A public art contribution should be requested either by commissioning and integrating public art into the design of buildings and public realm or by commuted sum to value of 1% of development costs.

Further to the letter received from WYG dated 5 March 2014, I have the following additional observations to make on this application:

The application will lead to the loss of a senior football pitch which the WYG letter states "is not used by any local sports team nor does it provide and community benefits". However evidence of offer of use and subsequent refusal by local teams or the wider community has not been supplied to support this.

The 2010 Playing Pitch Strategy quoted in the letter, as evidence to support loss of this pitch, is out of date and currently being reviewed. It is therefore premature to state there is currently an oversupply of adult playing pitches in the borough. It has been reported to Leisure Development by Sport England that local football teams state there to be a lack of adult football pitches. I would therefore question whether this pitch is actually surplus to requirements. Grass pitches once lost are not likely to be replaced.

The application will in addition to the loss of grass playing pitch still result in the loss of an indoor sports hall.

Sport England and the Football Foundation should be asked to comment on this application.

OPEN SPACES MANAGER – Provide detailed plans of the POS to be offered for adoption together with the areas, numbers and types of play equipment etc for approval by the Open Spaces Department prior to commencement of construction works.

WESSEX WATER - I can advise that Wessex Water are satisfied with the principles contained within the FRA (surface and foul water drainage), subject to application and agreement of detail (the applicant should note requirements in terms of access and proximity for adoptable foul sewage pumping stations).

I can further advise that there is sufficient current available capacity within our water supply networks to serve proposed development. Buildings above two storeys will require on site boosted storage.

SCC - ECOLOGY - No comments received.

SOMERSET WILDLIFE TRUST - Further to our previous comments we note that detailed species surveys have now been provided covering Bats, Dormice, Great Crested Newts and Reptiles. We have also noted the recent comments of the Council's Biodiversity Officer, dated 10th February 2014. We have noted that the surveys have confirmed the presence of a small number of Slow Worms as well as Dormice and a population of Great Crested Newts occurring in several ponds on the site. We have also noted that a bat survey indicates that the site is of Regional importance to bats, which include rare species such as Barbastelle. We note that several enhancements are proposed which include the retention of existing trees and hedgerows, although which trees and hedgerows are referred to is unclear. It is also suggested that there should be restrictions on external lighting, although again the proposed restrictions are not specific enough. There is a proposal for 4 bat boxes but in view of the importance of the site we consider this to be only a token gesture. A buffer zone along the western boundary is proposed and this would be

sensible. It is also suggested that the housing layout is amended so that private gardens should not back on to the boundary hedges but this should be essential, not advisory. We are also concerned about the inevitable impact of domestic cats from the new housing development on the local populations of dormice, slow worms and great crested newts. In these circumstances we strongly object to the proposed development

Comment on amended plan

We note the revised Masterplan and welcome the proposed buffer zone. However previous concerns about private houses backing onto hedgerows have not been addressed. Instead it has been proposed that there should be a protected zone between the ownership boundaries and fence defining the property. This seems to us to be avoiding the issue and it is likely that future owners will abuse the protected zone and it is unclear how this would be enforced. This is just passing the buck. There are also no recommendations for enhancement as are legally required and we therefore continue to object.

Representations

Ward Cllr Edwards - I wish to register my objection to the Canonsgrove development proposed application number 42/13/0079.

I accept the fact that the present Canonsgrove site already has residential development and therefore have no objection to this principle of development on the existing site. My objection is to the proposed extensive development of the surrounding playing fields for housing which is unacceptable and I understand is purely to generate the necessary funds for development of replacement play areas at Somerset College allowing the ability to develop the student accommodation on site at the College. The financial considerations of Somerset College or any other organisation or business should play no part in the decision making of a planning decision.

This is a greenfield site, it sits outside of the core strategy and was not considered in the preferred options of the site allocation document and with the exception of the existing site should not be considered appropriate development especially on this scale. The Neighbourhood Plan group are presently considering their plan and are commenting as a group to this application and I support their position with regards this application.

I had previously suggested that any development at Canonsgrove could be of a limited number of larger properties more appropriate to the area and only on the existing site and if necessary a limited development outside of the curtilage if it was to enable development.

There is no recognition of the pressure this further development would put on the wider community of Trull and Staplehay for whom there seems to be no benefit at all the benefits appear to be transferred to the College and their accelerating of this proposal being purely to avoid CIL meaning that the wider community is being further seriously disadvantaged.

I would expect this application to be refused and the applicant to be encouraged to put forward a more appropriate plan.

Wilton and Sherford Community Association - object on basis of school capacity and children of new development getting priority over existing children and inadequate provision for increased traffic.

Trull Neighbourhood Plan Group object on basis of 50 dwellings conflicts with the wishes of almost the entire community and would prejudice the delivery of the Neighbourhood Plan.

36 letters of OBJECTION on grounds of

- circumnavigates the Neighbourhood Plan,
- development is premature,
- it is not treating the proposal on its merits,
- it is outside the development plan,
- it is piecemeal development with no masterplan,
- contrary to Core Development Strategy,
- it does not reflect policy considerations of the Local Plan
- viability must be considered on a stand alone basis
- site is not sustainable,
- demolition of modern reusable buildings is wrong and wasteful
- it is development in the countryside,
- it requires an EIA,
- 50 dwellings is too many,
- too dense a development,
- proposal will be car reliant,
- does not address provision of school places,
- no provision for affordable housing,
- no benefit would accrue to Trull,
- lack of infrastructure,
- sports field should remain as green land,
- Canonsgrove is not a heritage asset and so it cannot be considered as "enabling development"
- playing field is not brownfield
- housing not necessary,
- brownfield sites should be considered
- should be used as an arts centre, conference centre or training centre,
- site should be used for light industry
- lack of medical, hospital and education facilities
- overcrowding
- will lead to more development on green field land,
- financial needs should not influence a planning decision
- contrary to views of majority of local resident responses of neighbourhood plan questionnaire
- it is not enabling development as not related to a heritage asset. Secretary of State considered enabling development of similar nature at London Irish Rugby Club Training Ground to be unacceptable. The sites are separate.
- There are no policies in the Core Strategy for Somerset College provision of new accommodation. It must be considered on its merits and it fails.
- it involves demolition of functional residences and is unsustainable development.
- The public are not privy to the viability statement.

- The reduction of numbers does not make it sustainable. It remains isolated with no facilities, outside the settlement boundary and too far from services.
- increase in traffic would be unacceptable
- road can't deal with additional traffic,
- speed of traffic using the road can lead to accidents in relation to Staplehay Cross junction
- travel plan and transport statement are inaccurate regarding trip generation and accident data
- traffic impact is unsustainable
- access to Sweethay should be prevented
- it would add to flood risk and the system to deal with surface water would need to be substantial
- an unsustainable urban drainage system is proposed
- impact on flooding in Sweethay Lane and the Levels
- impact on wildlife,
- mitigation does not compensate for the loss of habitat, a habitat for protected species will suffer significant harm,
- surveys on protected species are required
- surveys on archaeology are required
- impact on residents during construction
- it does not lead to local employment
- the sports pitch should be offered to the local community

8 additional letters of OBJECTION to amended plan

- raising issues above and impact will be worse with increase in dwellings of over 10%,
- precedent and unsustainable and unnecessary,
- contrary to NPPF para 55 re sustainability,
- conflicts with Local Plan,
- does not improve infrastructure,
- new accommodation at SCAT not a material consideration
- zone to protect wildlife unenforceable,
- TDBC poor record on securing Section 106 enabling development,
- not shown that conditions could be met,
- viability assessment not independent and out of date,
- there should be no development feeding onto the Blagdon Road,
- lack of available school places,
- flood risk.

2 letters of SUPPORT

- The site should be taken up market and a new boundary fence be provided but concern that reducing numbers will make it less viable. Somerset College has no money and it is only with an enabling exercise that it will go ahead for the benefit of all Taunton. Should we risk the demise of Somerset College being a campus for Bridgwater
- College with EDF's support and possibility of Taunton losing its County Town status.

1 letter of NO COMMENT

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
SS7 - TD CORE STRATEGY - COMEYTROWE/TRULL LOC GROWTH,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£34,530
Somerset County Council (Upper Tier Authority)	£8,633

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£207,181
Somerset County Council (Upper Tier Authority)	£51,795

Community Infrastructure Levy

CIL is now applicable to the development. The development would be liable for CIL at a rate of £125 per square metre. The application is an outline scheme and the level of new floor space is not set in stone. On the basis of the likely floor area proposed 7757sqm less the existing 5479sqm the CIL payment would be around £285,000.

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is amend from the previous 32 to now erect up to 37 executive style homes on the existing College site at Canonsgrove in order to help close the viability gap on providing new student accommodation at the site within the College campus

in Taunton. The revision is made following the implementation of CIL on the 1st April 2014.

Policy

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The 2013 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer. Nevertheless paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”

The development is part brownfield site and part former playing pitch. In terms of the brownfield site it would be difficult to resist the residential re-use of this site given the current use. The former pitch however is a greenfield site outside of the development boundary and in a non-sustainable location. The playing pitch loss has led to an objection by Sport England. The pitch here, however, is not used by a local sports team, is not used by the community and is only infrequently used by students staying at the halls. It is not identified in the Playing Pitch Strategy and in this location it is not considered to be conveniently located to satisfy likely future demand and so not be detrimental in light of the Playing Pitch Strategy. The Strategy was produced in 2010 in light of Sport England guidance at the time and while this may now need updating it is the current information available. Consequently it is considered that an assessment has been carried out in terms of policy E1 of Sport England policy and would result in no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. Ideally provision of additional facilities to compensate for the loss should be accommodated at the Somerset College campus. The facilities that are to be provided there will provide opportunities for multiple sports, including football, rugby, hockey and tennis, they would be suitable for junior sports clubs and the replacement facilities would be subject to community use agreements which would ensure that they would be far more accessible to the community and subject to far better management arrangements.

Each application has to be considered on its merits and should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is sited in a location that is outside settlement limits and contrary to the plan and is recognised as being an unsustainable one and therefore for permission to be granted here the community benefits of the linked schemes should be considered to demonstrably outweigh the disbenefits. The other material considerations of securing the future student accommodation in a sustainable location and assisting in the long term future of higher education in the borough are clearly important ones and the question for Members is whether the benefits are sufficient to overcome the policy objection of new housing and loss of sports facilities in an unsustainable location.

National Planning Practice Guidance (NPPG) includes advice on prematurity. The advice has not significantly changed from before and prematurity in itself is not generally a reason for resisting planning proposals. The development would not prejudice the development of other sites around Taunton and would not be so substantial as to undermining the plan making process given that the emerging plan is not at an advanced stage and is not formally part of the development plan. Advice states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process." In this instance it is not considered a prematurity argument could be sustained.

Viability

The Council has sought independent advice concerning the viability issues of the development. Viability is a material consideration in determining applications. The benefits of relocating the student accommodation onto the main campus has a major benefit in terms of sustainability and helping secure the long term future of higher education in the town. In order to secure the necessary replacement accommodation on the College site it is necessary to secure additional funding to make the development viable. To secure the necessary funding to fill the viability gap the redevelopment of the Canonsgrove site is required. A number of scenarios have been considered for the Canonsgrove site, however for any scheme to be considered appropriate it should be limited to the least number of units. The viability assessment has identified 37 units without affordable provision as a minimum across the whole site with CIL in place. Such properties would be large 4 and 5 bed executive properties to secure the biggest return.

Drainage

The site lies in Flood Zone 1 which has the lowest risk of flooding and is recommended that development is directed towards. The site area is recognised as having limited infiltration capacity and so the means of dealing with surface water from the site is via attenuation measures on site. The attenuation would be designed to the Environment Agency discharge rate of 2 litres per second per hectare of impermeable development and have adequate capacity for the 1 in 100 year storm plus 30% allowance for climate change. The Agency has raised no objection and requires a condition to secure a suitable surface water drainage scheme for the site.

In terms of foul drainage the site is served by an existing sewerage system that is able to cope with accommodation serving up to 200 students. Wessex Water are satisfied with the proposal and raise no objection subject to detailed design, particularly with regard to the proposed pumping station. This detail would be subject to any reserved matters scheme if outline were granted.

Landscape and Ecology

The site currently lies within an area that is well screened by trees and a Landscape and Visual Amenity Statement has been submitted with the scheme. Given existing vegetation it is not considered that the site has a significant impact on the surrounding landscape. The Landscape Officer is satisfied that subject to suitable landscape mitigation and management proposals the development of the site would not have any harmful landscape impacts.

The submitted wildlife surveys indicate the presence of a number of protected species in the area. The hedgerows around the site boundaries are of ecological interest, particularly as dormice have been found in the area but also for bat foraging habitat. Also of ecological interest are the ponds beyond the site as Great Crested Newts have been found in the area.

The hedge features are proposed to be retained within the development and mitigation of any impacts are proposed through habitat creation and buffer planting to enhance wildlife corridors which can be controlled through planning conditions. The extent of habitat creation has been considered by the County Ecologist and the Council's Biodiversity Officer and the applicant has taken this on board and an ecological mitigation strategy applicable to any detailed scheme can be required.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected habitats, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority as a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it would be a potential economic and social benefit if it were granted. It is considered to be in the public interest to secure the future of higher education at Somerset College in town and while the site is not sustainable if the need to redevelop the site for the minimum level of housing to secure longer terms education benefits is considered to outweigh the location then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for additional housing and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. As previously discussed, given the current local planning policy framework, it is considered that the site is not a sustainable location. In this instance the site is considered as an exception as it is being used to ensure student accommodation is provided in a sustainable location and there is not considered to be a satisfactory viable alternative in terms of the overall location of development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. These include, for example in respect of newts, retention of hedgerows, creating a pond, wildflower grassland within the Public Open Space and a hibernacula. Additional native species planting and protected movement corridors with buffer zones along existing hedge boundaries are also proposed. In terms of great crested newts and dormice, for which a license would be required, mitigation planting is proposed within the site which can be controlled, and the Council's Biodiversity Officer has not objected to the proposals, believing that, subject to the additional planting, favourable conservation status can be maintained with habitat improvements. The Wildlife Trust has objected on the basis of cats affecting wildlife. However there could be cats kept by any of the existing students at the site and the replacement of student accommodation by a lesser number of houses is not considered to worsen the situation and adversely impact on wildlife in the area. The proposed development has not been objected to by Natural England and they have suggested a condition to ensure habitat enhancements are achieved.

There is potential for wildlife to be affected by the proposals, including bats. However, the Biodiversity Officer is satisfied that measures can be put in place to mitigate the impact on wildlife and suggests an appropriate condition. I conclude that while the proposal will clearly have an impact, given the proposed mitigation, the proposal would not cause harm and therefore, it is considered acceptable and not to conflict with policy CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109).

The Biodiversity Officer has recommended a condition to address the provision of mitigation and enhancements for the site and this is considered a necessary condition.

Highway Impacts

The scheme as amended proposes 37 houses on the site in lieu of the 200 student units currently in existence. The vehicular impact of this change is not considered to cause a significant impact on vehicular movements and the access serving the site is considered adequate from a safety point of view to serve the development. The Highway Authority consider the traffic impact minimal and not to have a detrimental impact on the surrounding network. As this is an outline application conditions can be imposed to address the issues raised by the Highway Authority in respect of

drainage, the travel plan, estate roads and junction visibility. The suggested conditions 3-5 of the Highway Authority are considered elements that are covered by other legislation and are not reasonable and enforceable conditions.

Summary

The proposal for up to 37 dwellings on the site is put forward on the basis that the development is required to plug the viability gap in the provision of replacement student accommodation at the Somerset College campus. Such housing is considered the minimum necessary to fulfill this requirement and secure the longer term future for the higher education provision at the College. The site is clearly in a non sustainable location and the scheme does not allow for affordable housing provision. To do so would mean the potential for more houses on the site in this unsustainable location. The decision for Members is therefore whether they are satisfied that the benefits of the scheme in terms of locating student accommodation in a sustainable location and to assist the long term future of Somerset College constitute such exceptional circumstances as to outweigh the scale of new build at Canonsgrove over and above that comprising the existing built footprint, the lack of affordable housing required by policy and loss of sports facilities in this case.

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

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