

ERECTION OF 58 NO. DWELLINGS WITH FORMATION OF ACCESS, REMOVAL OF A SECTION OF LISTED WALL AND DEMOLITION OF THE GYMNASIUM AT KINGS COLLEGE, SOUTH ROAD, TAUNTON

Grid Reference: 323526.123908

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the view of Wessex Water and subject to a S106 to secure

- 25% affordable housing on site,
- Education contributions for primary of £147,084 and secondary provision of £147,752,
- a management plan for future maintenance of the boundary walls around the site,
- a management plan for the open space, play space and on site surface water attenuation or commuted sums for their upkeep if transferred to the Council,
- a community use agreement be entered into for the tennis courts, sports hall and playing pitch to be retained on the Nursery Field,
- a community hall contribution and an allotment contribution,
- a travel plan and a trip off-setting scheme.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the conservation area and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 00 Site Location Plan
(A1) DrNo 01 Existing Site Plan
(A1) DrNo 02 Rev D Proposed Site Plan
(A1) DrNo 03 Rev A Section & Elevations
(A1) DrNo 04 Wall Elevations
(A1) DrNo 05 Units A & B
(A1) DrNo 06 Units C & D
(A2) DrNo 07 Units Elevations
(A3) DrNo 08 The Square
(A3) DrNo 09 South Terrace
(A3) DrNo 10 View from South Road

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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 protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. 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 also include details of outfall arrangements, wayleaves and consent to discharge as well as details of maintenance and management after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 NPPF paragraphs 102 and 109 and Taunton Deane Core Strategy Policy CP8.

6. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of any dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy DM4.

7. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority and also any external lighting on buildings or fences shall be agreed prior to installation and shall thereafter be carried out as agreed.

Reason: In order to control the means of lighting to prevent light pollution and harm to wildlife.

8. The existing access gate in the northern boundary shall be retained for emergency access only and not as a public right of way.

Reason: In the interests of highway safety and to protect the amenity of neighbouring properties.

9. Details of the surface treatment finish to the access roads into the site from South Road and any parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to their construction being completed and shall thereafter be carried out and maintained as agreed.

Reason: In the interests of the character of the area in accordance with policy S2 of the Taunton Deane Local Plan.

10. Prior to commencement of development details of the proposed layout and specification for the replacement tennis courts along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning

Authority.

Reason: To ensure that a satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use to accord with Sport England and policy C3 of the Taunton Deane Local Plan.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

12. 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 in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

13. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Ecological Impact Assessment report dated May 2012 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of timing of works to avoid periods of work when protective species could be harmed by disturbance;
3. Measures for the enhancement of places to rest for protected species.

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

Reason: To protect and accommodate wildlife.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, height and type of boundary treatment to be erected, including the wall to South Road. The agreed boundary treatment shall be completed before **the dwellings are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning

Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

15. 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. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

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

16. 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 5837:2005); 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 Taunton Deane Local Plan Policies S2 and EN6.

Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. The alteration of the access and/or minor works will involve construction works within the existing highway limits requiring a Section 184 Permit. These works must be agreed in advance with the Highway Service Manager for the Taunton Area at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. Whilst we have accepted the drainage strategy in the updated FRA (dated July 2012), we note the surface water attenuation area is assumed to be "trapezoidal". We would expect any facility to be designed to offer biodiversity and amenity benefits so this may need to be altered at the detailed design stage.
4. The applicant shall ensure that all vehicles leaving the site are in such 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 development commencing , and thereafter maintained until the use of the site discontinues.
5. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

PROPOSAL

The proposal is to erect 58 houses on the site at Nun's Field south of the former Convent on South Road, with the formation of access and road to serve the site. The dwellings include 40 x 4 bedroom units, 6 x 3 bedroom units and 12 x 1 bedroom units. The works will involve the removal of a section of around 15m of wall to the South Road frontage, a section of 6m of listed wall within the site and the removal of the gymnasium. The site consists of 2.7ha and is a mix of playing fields, sports hall and informal open space. There are a number of large trees to the north east corner of the site and a listed wall running east to west, subdividing the Nun's Field to the north from the Nursery Field and its grass pitch to the south. The walled area extends around the northern part of the site acting as a partial screen to the residential development proposed.

A Design and Access Statement, Heritage Assessment, Ecological Assessment, Flood Risk Assessment, Transport Statement, Planning Statement and Arboricultural Method Statement were all submitted as part of the application.

SITE DESCRIPTION AND HISTORY

The application site consists of two fields within the same ownership subdivided by a listed wall and historically part of the former listed convent building complex to the north. The fields have more recently been utilised by Kings College for sports facilities with the provision of a synthetic pitch, tennis courts, gymnasium and grass playing pitch.

An application for 81 dwellings on this land off South Road was submitted in March 2008 (38/08/0131) and subsequently withdrawn in October 2008. An outline application for 76 dwellings on the same site was submitted in December 2010 (38/10/0435) and was withdrawn in March 2011.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I have the following observations on the highway and transportation aspects of this proposal:-

Access - The design of the proposed access is considered to be acceptable. The proposed visibility splays accord with the guidance contained within 'Manual for Streets'

It is noted that the existing access point to the north of the site is to be retained for use as an emergency access. This is acceptable subject to agreeing how the use of this access would be controlled.

Internal layout - The internal layout is considered to be generally acceptable, however there are a number of minor concerns.

An appropriately dimensioned visibility splay is required across the entrance to the football pitch parking area. Adoptable 20m forward visibility splays are required across the bends within the proposed cycleway.

Adoptable 17m forward visibility splays are required across all carriageway bends.

An adoptable flat 600mm wide margin will be required between the cycle path and the proposed sloping bank to the west of the football pitch. The embankments should have a maximum slope of 1:2, and cuttings 1:1.5.

The tie in of the proposed cyclepath and existing path that runs along the western site boundary should be formed at 90 degrees. Appropriate visibility splays are also required.

Footways with a minimum width of 1.5m should be provided at the tie-in between the shared surface and proposed carriageway, between the gap in the wall.

The proposed shared surface should have a minimum width of 5m with adoptable 500mm margins to both sides. The longitudinal gradient of the block paved carriageway should be no less than 1:80 to aid the dispersal of surface water.

It has been assumed that the footpaths which surround the development together with the soft landscaped area in the middle of the site would either be adopted by TDBC or a management company. Please advise if this assumption is incorrect.

The proposed use of low light pollution lighting would need to be approved by the Taunton Area lighting manager prior to installation. This is something that could be addressed via planning condition.

All street furniture, including the lighting columns, shall be located no closer than 450mm to the carriageway edge. The parallel parking bays should have a minimum length of 6m, not including the splays.

Motorists using the parallel parking bay immediately prior to the road narrowing when leaving the site, will have difficulties manoeuvring due to the proximity of the narrowing. This issue could be addressed by relocating the parking bays further away from the narrowing. The parking bays which have bollards placed in them should have a minimum length of 5.5m.

Flood Risk Assessment - All permeable paving areas should be designed with levels to fall away from the public highway. To minimise the effect upon the structure of the adjacent highway the first 1m of these paved areas shall not be permeable. The proposal to drain the main access roads via a system of edge filter strips is noted, but for any road to be considered for adoption, collection of the run-off should be achieved via gullies or kerb drainage units discharging to a carrier drain. The full perimeter of all carriageways would need to be kerbed, therefore 'over the edge' drainage would not be acceptable.

The options for the location of the geocellular storage tanks are noted and it would be the highway authority's preference for such tanks to be located under the central landscaped area. The Applicant should note that these tanks cannot be located under prospective public highway areas. Furthermore, the tanks should be wrapped in impermeable geomembrane with welded joints and the system tested to ensure that it is water tight.

Additionally, the tanks should be located a suitable distance from the edge of the highway in order to ensure that maintenance/construction operations in the highway do not compromise the integrity of the tanks or the membrane. It is suggested that a 2m buffer is provided between the highway and the edge of the excavation for the tanks; however, it is imperative that the Applicant seeks advice from the manufacturer of the system in this regard.

It should also be noted that Wessex Water has historically been reluctant to accept proposals for public sewers located beneath a permeable paved area, and it is recommended that this issue is raised with Wessex Water directly.

Summary and Recommendations - It should be noted that the B3170 South Road is a County Route. As such, any development which takes access from a County Route would generally be recommended for refusal, as it is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. However, it would be up to the Planning Officer to weigh up the merits of the proposals against this policy objection.

The Transport Statement should be amended to address the concerns outlined within this response.

Ideally the comments provided regarding the proposed layout and FRA should be addressed prior to approval, however, these issues could potentially be addressed by condition, if required.

Additional comments received on 17/09/2012

Further to our previous comments, and amended plan (drawing number 02 D) has now been received. The amended layout has been amended to reflect our previous comments.

Adoptable 20m forward visibility splays have now been shown for the cycle areas. It is recommended that these, and the detailed design of the cycleway, are secured by appropriate planning condition.

It is noted that the internal shared surface arrangement is to remain private; therefore some of our previous comments relating to this area are not applicable. However, it is noted that the width of the carriageway has been widened to 5m, which is considered to be acceptable.

It is understood that the level of car parking and deviation from the recommended Somerset County Council parking Strategy guidelines has already been agreed with the Local Planning Authority. However, it is unclear how the level of cycle parking has been fully agreed, given that the Travel Plan has not yet been agreed.

Notwithstanding the above, amendments to the Travel Plan are required. Given the tight timescales it is unrealistic to request an amended Travel Plan at this stage; therefore, it is recommended that the Travel Plan is secured within the S106 agreement.

The main outstanding issue is with regard to the traffic impact. However given the Highway Consultants response we are satisfied that this can be resolved.

It is acknowledged that congestion is currently an issue on South Road, due to the proximity of the town centre. It is also agreed that it would be difficult to provide any highway improvements in order to offset the impact of the development proposals.

Given the willingness of the Highways Consultant to consider measures to offset development trips, it would ideally be up to the developer to propose a detailed and agreed package of measures. A suggestion would be to provide personalised travel planning for around 550 dwellings in the area. Based on available research, this is likely to result in the offsetting of the 36-48 peak hour vehicle movements which would be generated by the proposed development.

It is therefore suggested that funds adequate to provide this be secured through a S106 agreement. If possible, wording should be such that the funds could be used for any off-site measures intended to reduce total trip generation as a result of the application site. This would allow maximum flexibility. It is strongly recommended that this should be secured prior to construction. Alternatively, of the developer

carries out the PTP, this should be started before construction of the site.

Therefore, there are no objections to the application proposals, subject to the inclusion of the above matters within the S106 agreement, and recommended conditions:

BIODIVERSITY -

The proposal is for 58 dwellings and associated works at South Road, Taunton. The proposal includes the demolition of a 1970's sports building and the felling of a row of mature Leyland cypress and up to 4 Norway maple trees. The site comprises predominantly of hard court sports pitches and amenity grassland of low ecological value. It is bordered by semi mature and mature trees and an informal woodland belt enclosed by a wall and the Stockwell stream corridor. An ecological impact assessment was carried out by JH Ecology in May 2012. A baseline assessment of the site was also undertaken by Ambios Ecology in January 2010. Findings of the latest report were as follows:

Badgers - An active badger sett was found within the woodland belt on the NE corner of the site and evidence of badger activity within the site. The proposals retain the sett and maintain an area of no works within 30m of it. I support the monitoring of the sett prior to any works commencing on site as well as the proposed mitigation measures.

Otters - Otters have been known to use streams in the area and the surveyor found no obvious holts or lying up areas adjacent to the site.

Water Voles - There are records of water voles using Stockwell Stream adjacent to the site. A search of the bank for water vole was not undertaken as the surveyor considered the habitat to be sub optimal. The installation of the proposed outfall pipe should take account of water voles and otters.

Birds - The vegetation on site provides potential nesting and foraging habitat for birds. Site clearance should take place outside of bird nesting season.

Bats - The surveyor identified features potentially suitable for bats within soffits of the sports hall and so an emergence survey was undertaken. The survey did not identify any bats using the sports hall but recorded 3 species (pipistrelle, soprano pipistrelle and noctule bats) using the site for foraging and commuting. As would be expected the area most used by bats was along the tree belt and stream corridor. I support the proposals to provide bat boxes and the sensitive design of public realm lighting on site. I agree that if the sports hall is not demolished within 12 months then a further survey would be needed.

Dormice - The surveyor considered the site to lack suitable habitat for dormice.

Reptiles - The site provides little habitat for basking or foraging reptiles. This is generally restricted to the small woodland belt. A series of piles of grass cuttings, leaf litter and brash along the boundary wall may provide potential opportunities for refuge.

Amphibians - No suitable breeding habitats for amphibians occurs within the site, although the surveyor thought it likely that ponds are present in gardens adjacent to the site. The surveyor considered the site to have sub optimal terrestrial habitat for amphibians.

I suggest a condition for protected species

SOMERSET WILDLIFE TRUST- We agree with the comments of your Biodiversity Officer and fully support her recommendation that if permission is granted there should be specific conditions requiring a strategy to protect and enhance wildlife approved by the Local Authority before any works start on site. We would also support the recommendations in respect of protective measures to be put in place during the construction phase and also the recommended enhancements to the scheme, especially the proposed planting scheme, the additional buffer strip to protect the badger sett, the proposals in respect of external lighting and also the proposals for bat and bird boxes and roost areas. We believe these proposals would provide welcome enhancements to the scheme which would be of potential significant benefits to wildlife in the area.

HOUSING ENABLING LEAD - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning. The affordable housing requirement for this scheme is 25% of the total number of housing units. The tenure split is 60% social rented, 40% intermediate housing in the form of shared ownership and low cost market housing (at 70% of the Open Market Value in perpetuity). The requirement is for houses rather than flats.

The affordable housing must meet the Homes and Communities Agency Design and Quality Standards 2007, or meet any subsequent standard at the commencement of development. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER - Initially objected as insufficient information, contrasting statements were made in the Flood Risk Assessment however is now satisfied that concerns have been addressed and agree that a suitably worded condition be attached to any planning permission given.

LANDSCAPE LEAD - Overall the scheme respects the built and tree features of the site within the conservation area setting. Subject to landscaping details the proposals are acceptable.

HERITAGE LEAD - The current proposals have appropriately addressed concerns expressed by a variety of interested parties, resulting in a scheme which is much improved in terms of layout. Whilst I would have favoured a contemporary design approach (as originally advanced), I can understand why the views of local people have influenced the more traditional approach.

From a heritage asset perspective, a particular improvement is the fact that the Listed boundary wall will be wholly in the public realm, with its appropriate repair and maintenance, being the responsibility of a management company. In this way, the potential for ad hoc repairs of varying quality, by individual owners will be negated and the integrity/ original purpose of the wall ie the enclosure of Nun's Field will be maintained.

Whilst clearly the development will change the character of Nun's Field, in the context of the character of the Conservation Area as a whole, I consider it reasonable to judge the impact as modest/neutral.

Whilst the setting of the former Convent and the setting of the Listed boundary wall will change, existing important public views of the main building will be retained and as noted above, the integrity of the boundary will be maintained and its former purpose, readily perceived.

On balance, I therefore support both applications.

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - We do not wish to comment in detail but would offer the following general observations.

We have maintained that the principle of development on this site might be acceptable subject to more consideration of the context of the conservation area and the impact on the setting of the Grade II* Convent and views from South Road of its clock tower. In particular we were concerned about the development on the open land known as Nursery Field. In our opinion this important open space, historically associated with the Convent, should be preserved as a significant amenity and recreational space within the context of the Conservation Area and setting to the Convent. We therefore welcome this latest proposal to retain and preserve the Nursery Field as recreational space.

Another positive aspect of this proposal is the demolition of the sports hall that has had a detrimental impact on the setting of the Convent for some time. Its replacement with a well considered low-key development of this form, working within the space created by the walled garden and respecting the character of the site, should be an enhancement to the heritage assets in the vicinity.

There have been some significant improvements in the scheme that we noted in the pre-application submission. As a result the major change we can now positively support is the retention of the Nursery Field for recreational activity by restricting the residential development to the walled garden area of the site. However there are still some issues that in our opinion need to be reconsidered.

We previously indicated that we were unhappy about the access off South Road and the impact of the opening in the wall at this point. We understand that there is little alternative but to create an access road through the wall off South Road, through Nursery Field and through part of the listed wall into Nun's Field. Wessex Archaeology's Heritage Assessment report has assessed the varying degrees of significance of the walls within the site and highlighted where previous alterations have been made in order to inform where the proposed opening should be located to reduce destruction of historic fabric to a minimum. We would however ask that

more consideration is given to the reduction in height of this boundary wall running along the east of Nursery Field. Whilst we understand the height reduction will allow greater surveillance the loss in height is, in our opinion, contrary to the character of the conservation area and therefore harmful to its character and appearance. We would advocate its retention at the same height as existing but would suggest the introduction of slots within the wall fabric for the public to view the space in use.

Care needs to be taken over the choice of surface treatments to the entrance way and road in order to soften the impact of this new feature within the conservation area and control the potential suburban character that could be introduced if an inappropriate choice of material is made. The introduction of a formal area for a car park in the field is regrettable. Again the choice of surface treatments could help mitigate the impact of this area.

We would also wish to see a robust conservation management plan for the walls drawn up to ensure that they are appropriately repaired and maintained into the future for the benefit of all residents and the setting to the Convent and other heritage assets.

Finally we were previously concerned to ensure the design of the residential units reflected the typical characteristics associated with this conservation area. We also believe that more care and attention has been made to the quality of the scale and design of the residential units that are proposed especially in terms of the roofscape that will be visible within the conservation area. We would however advocate the use of conditions to control materials and construction details to ensure that the quality of the design is maintained in the implementation of the scheme.

Recommendation - We would urge you to address the above issues and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The housing scheme in South Road, I am happy that the Heritage Assessment submitted by the applicant is correct and that the site has low potential for buried archaeological remains, so I have no objection to this proposal.

SCC - CHIEF EDUCATION OFFICER - I refer to the above planning application for a residential development of 58 new dwellings and am writing to express concerns that the local catchment primary schools would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. I am therefore requesting that any grant of permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision.

On the County Council's normal expectation that there will be demand for 30 additional primary school places from each 150 new dwellings, the development would be likely to generate the need for 12 primary school places. The site straddles the catchment areas of Holway Park and Archbishop Cranmer Primary Schools and both of these are forecast to have rolls significantly exceeding their capacity in a few years, without accounting for additional pupil places being required to serve new

development. If educational contributions are not secured through planning agreements with developers, the County Council has few capital resources to draw upon to mitigate this pressure itself.

The DfE Basic Need Cost Multiplier for each primary school place is £12,257, so in this case, a financial contribution of £147,084 should be required from the developer.

Work that has been undertaken in the context of the Borough Council's Infrastructure Delivery Plan and based on the expected housing trajectory also shows that, across Taunton as a whole, the number of secondary school aged pupils is likely to start exceeding the number of available places from about 2015 and this trend is forecast to continue to the end of the Plan period. It would therefore be appropriate for all new development to contribute to mitigating this shortfall, as is the advice in Circular 05/2005. This development would generate the need for 8 secondary school places; and the cost multiplier to be applied per place is £18,469, so a further contribution of £147,752 should be sought from the developer.

ENVIRONMENT AGENCY - Initially objected however after the receipt of further information the Environment Agency have no objection subject to a surface water drainage condition

COMMUNITY DEVELOPMENT - In accordance with policy C4 provision for play and active recreation should be made for residents of the dwellings. I note the Heads of Terms included with the application that provision of on site play space is envisaged, although this does not appear to be shown on the plan. The application includes 46 x family (2 bed+) dwellings which in line with Local Plan policy should provide 920sqm of both equipped and general play space. The equipped children's play space should be overlooked to promote natural surveillance and sited away from the main access road. The Parks department should be asked to comment on the actual design and content of the play ground.

If appropriate on site provision for outdoor recreation cannot be provided than an off-site contribution of £1454 per dwelling should be sought. Sport England should be consulted on the loss of artificial playing pitch, tennis courts and gymnasium. The loss of the playing pitch is contrary to Local Plan policy C3. Evidence of replacement facilities should be required.

A contribution of £194 per dwelling should be sought for the provision of additional allotment facilities. A contribution of £1118 per dwelling towards local community hall facilities should be sought. A public art contribution should also be requested, either by commissioning and integrating public art into the design of the buildings or public realm or by a commuted sum to the value of 1% of the development cost.

POLICE ARCHITECTURAL LIAISON OFFICER - Thank you for consulting Avon & Somerset Police in relation to the above planning application.

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

- Design & Access Statement - PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places, The Planning System and Crime Prevention'. The DAS submitted with this proposal does not appear to do so as there is no mention of any proposed crime prevention measures.
- Crime Statistics - reported crime for the area of this development during the period 01/06/2011-31/05/2012 (within 200 metres radius of the grid reference) is as follows:-

Burglary - 2 Offences (neither of which was a dwelling)

Theft & Handling Stolen Goods - 21 Offences (incl. 3 theft from motor vehicle and 6 theft of pedal cycles)

Violence Against the Person - 1 Offence

Total - 24 Offences

This averages 2 offences per month, which is a low level of crime. These figures do not include anti-social behaviour i.e. drunkenness, noise nuisance, litter etc.

- Layout - the layout of roads, footpaths etc appears to be visually open and direct and is likely to be well used providing natural surveillance of the street and square. The changes of road and footpath surface by colour and texture helps define the defensible space of the development and is likely to reinforce the fact that this is private space. The enclosed square nature of the development also helps from a crime prevention perspective by helping frustrate the search and escape desire of the potential criminal. Routes for pedestrians, cyclists and vehicles should not be segregated from one another, as networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should be avoided e.g. the footpath running through the wooded area to the east of the development.

- Public Footpaths - public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have also been proven to generate crime. In this regard, I have concerns regarding the footpath running around the outer perimeter of this development which appears to provide access to the rear gardens of all the proposed dwellings. If this footpath is necessary, I recommend that its route be re-considered to areas with better resident surveillance. On a positive note, the footpath appears to be straight and wide but it should also be well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities. Planting next to the footpath should be kept low to assist surveillance.

- Communal Areas - communal areas have the potential to generate crime, the fear of crime and anti-social behaviour. The central square is well overlooked by the surrounding dwellings and routes/boundaries appear to be clearly defined. Features should be implemented which prevent unauthorised vehicular access. No toddler Play Areas appear to be proposed either in the square or surrounding open spaces and, if any are to be implemented, they should be in areas of good visibility from surrounding dwellings. The football field, being to the rear of the row of dwellings to the south, also appears to be subject to limited surveillance. I note that the adjacent parking is reserved for sports users only and that the entrance is barrier controlled.

- Dwelling Orientation - dwellings are positioned to face one another which enables neighbours to watch over each other and creates conditions which makes the potential offender feel more vulnerable to detection.
- Dwelling Boundaries - it is important that boundaries between public and private areas are clearly defined. In this regard, I have some concerns that grassed areas or footpaths appear to immediately abut the gable ends of three of the rows of houses. This could result in crime or anti-social behaviour directly affecting these properties. I recommend that suitable 'buffer zones' be implemented at these gable ends to keep the public away from the dwelling boundaries. Dwelling frontages appear to be open to view and incorporate good defensible space. Any walls, fences, hedges etc at the front of the dwellings should be kept low, maximum height 1m, to enhance resident surveillance. The more vulnerable areas, such as side and rear gardens, require more defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates to rear yards or gardens should be the same height as the fencing and lockable.
- Car Parking - appears to be a mix of in-curtilage parking at the front of dwellings, which is a recommended option, or parking spaces, some of which are adjacent to gable ends and may be subject to limited surveillance from the dwellings e.g. those to the north west of the development.
- Landscaping & Planting - planting should not impede opportunities for natural surveillance and must not create potential hiding places. In general, where visibility is needed, shrubs should have a mature growth height no higher than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision. In this regard, I have some concerns regarding the route of the footpath to the north east of the development which goes through a wooded area with very limited natural surveillance from nearby dwellings. I recommend that the proposed route of this footpath be re-considered. Street furniture such as the proposed bench seats and cycle racks should be suitably secured to prevent their removal and of vandal-resistant construction. The cycle racks should also be in areas of good surveillance. The proposed lighting bollards around the perimeter footpath should also be of vandal-resistant construction.
- Street Lighting - all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489-1:2003.
- Physical Security of Dwellings - the applicant is advised to formulate all physical security specifications for the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design' (SBD) award scheme, full details of which are available on the SBD website - www.securedbydesign.com

SPORT ENGLAND SOUTH WEST - The site forms part of, or constitutes a playing field as defined in The Town & Country Planning (Development management Procedure) (England) Order 2010. Sport England has therefore considered the application in 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 current application seeks to address our concerns to previous applications on

site as follows:

Synthetic turf pitch - The College has in the recent past constructed two new floodlit sand based artificial grass pitches on the main college site. A condition of that approval was that the College would enter into a community use agreement to enable local clubs to access the artificial grass pitches. I understand that a community use agreement to this effect has been completed and local clubs are able to use the pitches out of college hours. I consider that the replacement artificial grass pitches (which are available for community use) are sufficient to overcome our previous concerns regarding the loss of the synthetic pitch on the Convent site.

Tennis Courts - I understand an application for 6 tennis courts at the main college site was approved in 2009. The College now intend to increase the number of tennis courts from 6 to 9. and to provide these prior to the disposal of the Convent site. I consider that subject to the securing of replacement tennis courts as part of this application this would be sufficient to overcome our previous concerns regarding the loss of the tennis courts.

Sports Hall at the Convent site - Sport England previously objected to the proposed demolition of the sports hall building as there was a lack of information in relation to the likely impact of the loss of this facility on existing users and lack of information in relation to any proposals to compensate for the loss. I note the College has indicated that community use of the sports hall is limited to Taunton Deane Blades Fencing Club and that this activity will be relocated to the sports hall on the main campus. I consider this would be sufficient to overcome our previous concerns regarding loss of the sports hall.

Grass Playing Pitch at the Convent site - The existing area of grass playing field to the south of the Convent site is subject to our Playing Field Policy. I understand that the existing grass playing field on the site is not used currently as a formal pitch (94m x 44m). Although there are goalposts, it is used mainly for recreation, practice and kick-about by Kings College pupils only – we have been informed that there is no access for community use. The proposals involve retaining this playing field area for formal and informal sport which should be open to the wider community.

Given the proposed dimensions, it is unlikely to be of sufficient area for future use as a senior football pitch.

We have consulted The FA on this application who state the site is ideal for a Club wanting to progress up the football pyramid (Taunton Town Ladies had used it last season). That raises some questions/ challenges: -

- Actual size of pitch to ensure it meets senior requirements;
- Availability and proximity of changing rooms;
- Potential for any club to gain security of tenure to allow them to apply for funding?
- Parking to use the pitch?

Further discussion is needed with the FA in light of their comments above to ensure good community use of this site for the development of sport in the area.

Subject to this pitch being to a performance standard for competitive matches, and that it is made available for community use by local football teams, then I consider

that this would meet with the requirements of our playing field policy.

Conclusion - In the light of the above comments, in order for Sport England not to object to the proposed development we would need to see confirmation that the following compensatory measures are secured, either by way of planning conditions or as part of a Section 106 Planning Obligation attached to any planning consent that is granted:

TAUNTON CIVIC SOCIETY - This is the second application that Mark Richmond Architects have submitted for this site on behalf of King's College. We are pleased to see that it is a great improvement over the earlier application, must surely address the legitimate concerns of several neighbours, and does less harm to the landscape setting of the South Road approach route to the town centre.

We support residential development on this site, and feel the proposed density is appropriate. However, we have several concerns.

We note that "... the full application and the significant amount of consultation undertaken so far aims to provide a somewhat prescriptive element to the layout of the site ..." but that "the site will be sold to specialist residential developers". (Transportation statement para. 9.5).

This appears to indicate that while numbers and sizes of dwellings might be held approximately the same as in this application, which appears to have a status akin to that of a masterplan, there might be significant detailed variation in layout, detailed design, sustainability features etc., and that sections of the site might be developed independently (and inconsistently) by different developers.

We do not consider this to be a satisfactory basis for taking the development of a sensitive area forward, unless TDBC can impose, and hold against legal challenge, very strong controls on any final proposals for building on the site. It would also seem to require some control over the phasing of development – it is surely very undesirable to have half the site developed and sold while another 2 quarters are not even started.

While the scope for variation implicit in the sale to specialist developers is worrying, it could also have a beneficial aspect, if strongly managed, because we believe that the layout and detailed appearance of the buildings in this application would benefit from a rethink.

The "Square" idea does help to preserve a feeling of spaciousness that is important to the Conservation Area, but ideally the houses should open directly onto the green centre, with refuse and car access at their rear. However this would entail fewer buildings, even though slightly taller buildings could be introduced into at least two of the corners of a more regular rectangle.

As it is the layout is an unsatisfactory and disjoint trapezoidal construct with weak corners. Does the position of the entrance from St Joseph's Field justify offsetting the western terrace so that a rectangular form is lost?

The clusters of four type C dwellings for older people seem mean, possibly rather dark, and very lacking in amenities, with two of their three windows looking directly

into their neighbour's home about 11 feet away across an enclosed yard. Front-to-front seems inferior to back-to-back – and that idea is not now thought to be uplifting. These shed-like clusters are one reason why two of the corners are weak.

Some articulation of the roofline with full three-storey dwellings would be beneficial.

The rear access to the gardens may give rise to security problems, while being inconvenient for those in the middle of the terraces. We would recommend front to back pathways (perhaps under an arch with accommodation above) in the middle of the northern, western and southern terraces – and the strangely wide gap in the southern terrace could then be closed.

While the main house designs (A, B, & D) hold a truly remarkable resemblance to those of the HABOAKUS development at the Triangle, Swindon (associated with Kevin McCloud) that won a RIBA award for sustainability, and offer a similar and very welcome low-carbon footprint, the design of the site as a whole does not display the same verve and quality.

Given the interior road and parking layout the usefulness of the central open space is doubtful.

The Design & Access statements notes the closeness of play areas in Vivary Park, but these are out of sight and the route is exposed to traffic in Mount Street (which may shortly become busier), so we recommend that a condition be imposed requiring a play area for young children within the site.

We would also like to see measures to discourage driving at more than 15mph within the site, and the emergency access from St Joseph's Field should be closed to any pedestrian or vehicle that does not carry a key.

The Design & Access statement (page 18) says "Colour to the render will add variety and individualise each of the homes".

There is a danger that the effect will be gaudy or at odds with the surrounding area. We are not reassured by the pink and yellow shades we see on 'Dr No. 03

Rev A Section & Elevations', which do not appear to correspond to the Victorian terrace across South Road, and the buildings of the former Convent and St Joseph's Field.

Subtle changes of colour, within a restrained palette chosen to fit well with the surrounding buildings, are what is required. (Again, the similar buildings at the Triangle in Swindon show how it can be done.)

We would suggest that Development Management should take steps to ensure that the results will be entirely sympathetic to the Conservation Area.

Representations

Cllr Mrs Herbert- As Ward Councillor for Killams and Mountfields which abuts this

site I strongly object to the proposal to develop the site. A number of issues are pertinent here firstly the detrimental affect on local wildlife and the risks of run-off adversely affecting the Stockwell Stream. The existing traffic difficulties experienced on South Road during peak times, which the extra houses will only add to as no matter how close to town you live a car is still essential for families in Somerset. The increased car movements will impact on the whole of South Road and surrounding area with tailbacks becoming worse and worse. Other proposed developments in the Killams and Mountfield area will also compound this already difficult traffic issue. The access road is also far too close to the Holway road junction, an already dangerous junction which has lots of near misses for road users and pedestrians. As a mother walking back and forth to Trinity School for many years I have first hand experience of the gauntlet you have to run to cross Holway Avenue. To add a fourth road into the junction will make crossing the road almost impossible and even more dangerous. The listed status of the wall should afford it protection on its own, but as it is within a conservation area and has the old convent so close then its importance and protection becomes even more relevant. The design of the homes does not seem to relate to or be particularly sympathetic to the locality, being quite imposing and being terraces make it a large bulk. It also concerns me that the level of parking provision is limited and the areas of green space will be very high maintenance whilst the gardens of the homes are relatively small for the size of properties. For the existing local residents there is also the impact on the on street parking in South Road. The existing terrace on South Road does not have off street parking and is not included in the Holway Avenue parking scheme. These residents should not have their only parking provision removed by a development within a conservation area.

1 letter of no objection subject to securing retention of Nursery Field as green space through conditions and obligations

42 letters of objection on grounds of

- A material increase in traffic onto South Road
- Decrease in air quality
- New road junction will increase danger to pedestrians and traffic with staggered crossroads and create an accident blackspot
- The development will create another junction for children to cross.
- The Transport Statement is misleading and incorrect and there is traffic queuing almost every day.
- Photos of traffic are misleading and do not represent peak traffic density
- Increase traffic tailbacks and congestion at peak times and more than an extra 500 traffic movements per day would be generated.
- Increase risk to cyclists
- The development may affect parking on South Road
- Public transport is limited and well used and this would make matters worse
- The site was rejected under the SHLAA - it affects listed buildings, is recreational open space, in a conservation area and is a County Archaeological site.
- The site is of historic and archaeological importance and very close to the listed building and part of the town's heritage would be ruined by building houses here.
- The density conflicts with the development at the former convent
- The housing will be visible from South Road

- The design is not in keeping with South Road/Holway Avenue
- The NPPF has not been taken into account in terms of conservation areas and listed buildings.
- Diregard for the 'conservation' designation and proposal render term 'listed' meaningless.
- It will not preserve or enhance the conservation area.
- Unattractive terraced houses afford little additional parking
- The proposed development is not considered to makes any positive contribution to the character and distinctiveness of the area.
- Not appropriate or desirable to demolish the wall to facilitate a road junction
- Retaining and maintaining the listed wall should be paramount.
- Overdevelopment - too many dwellings
- No need for new dwellings.
- Room size too small
- Loss of open 'green' space adjacent to the town centre.
- Loss of sporting facilities without suitable replacements against Sport England guidelines.
- Sports facilities for the local community should be provided
- Negative impact on local community of uncharacteristic dwellings
- The development should be considered in context of development at Killams and 25 Mount Street
- A committee site visit should be made
- Use of central green is flawed and will not be used
- Loss of privacy
- Increase in noise levels in surrounding areas.
- Loss of view with high buildings.
- Noise and pollution from construction.
- The Stockwell Stream may not be able to cope with additional surface water from the development
- Concern over treatment of boundary with St Joseph's Field and use of existing gates.
- The emergency access through the gate to St Joseph's Field is unnecessary and put pressure on a private road system.
- Access to private site should not be used by pedestrians
- The existing wooden boundary fence should be replaced by a brick wall.
- Strain on local resources such as schools and medical centres
- Damage to wildlife habitat
- This dense housing does not do this prime historic site justice

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 STR2 - Towns,
 STR4 - Development in Towns,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP33 - S&ENP - Provision for Housing,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 C1 - TDBCLP - Education Provision for New Housing,
 C3 - TDBCLP - Protection of Recreational Open Space,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
EN14 - TDBCLP - Conservation Areas,
EN15 - TDBCLP - Demolition Affecting Conservation Areas,
EN21 - TDBCLP - Nationally Important Archaeological Remains,
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,
EN28 - TDBCLP - Development and Flood Risk,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCLUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

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) | £62,586 |
| Somerset County Council (Upper Tier Authority) | £15,646 |

6 Year Payment

| | |
|--|----------|
| Taunton Deane Borough Council (Lower Tier Authority) | £375,516 |
| Somerset County Council (Upper Tier Authority) | £93,879 |

DETERMINING ISSUES AND CONSIDERATIONS

There are a number of main considerations in determining the above proposal including impact on the character and appearance of the area, amenity impact, the loss of sports facilities, wildlife, drainage, access and highway safety.

Character of the Area

In determining application for planning permission affecting a listed building or its setting and a conservation area the Local Authority must determine the proposal in accordance with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Respectively this requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses" and Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

This revised scheme has been submitted following a full heritage assessment of the site. This has resulted in the area of the residential part of the scheme being reduced

and relocated to part of the Nun's Field with the removal of the gymnasium and the retention of existing grass playing pitch identified as protected open space. English Heritage support these revisions as they improve the setting of the former convent with the removal of the gymnasium and the retention of the Nursery Field which retains important open space within the Conservation Area.

The access to the site is provided off South Road and results in the removal of a section of 15m of unlisted wall. Clearly this impacts on the character of the area, however the heritage statement has assessed the elements of wall and there is a previously blocked opening in this wall. An opening as proposed will leave the existing listed wall along the road frontage intact and allows the open character of the field to be viewed from the public domain. Consequently while this is an impact on the character of the area it is considered to be one that is justified and does not harm the character of the area. A condition in respect of surfacing materials and one concerning retention of wall height remaining are considered appropriate in line with the comments of English Heritage to protect the character of the area.

The internal wall that runs east west across the site is listed and the proposal creates a 6m gap in this wall to allow for both vehicular and pedestrian traffic. Part of the proposal is also to close up the existing pedestrian access in this wall. The proposed works are considered to be acceptable in light of the views of the Conservation Officer and English Heritage and are not considered to adversely affect the character of the area or the setting of the listed building.

Amenity

The new dwellings proposed are sited within the existing walled garden area and are set at varying distances from existing properties to the north, south and east. To the east the properties are also screened by the tall listed boundary wall and so there is no adverse impact in terms of these properties on any existing properties across the road. To the south the existing properties are over 60m away across the playing field and the boundary walls of the site and there is not considered to be any adverse amenity impact on the three dwellings to the south. To the north there are existing properties in Anncy Court and St Joseph's Field which are the development of the former convent site. The rear of the new dwellings are approximately between 15m and 18m from the ends of properties in the converted complex of buildings. The gable on the former convent building has three windows in set above ground level. These windows currently look at the rear of the gymnasium building and are set 18.5m away from the rear of the new terrace and 5m from the proposed boundary fence. Tree planting is proposed at the end of the new dwellings and this will provide screening when established between the new properties and the existing windows to prevent any significant loss of privacy.

Sports Facilities

The proposal involves the development of an area of land that has been utilised by the Kings College for a variety of different sports uses with a gymnasium, tennis courts and synthetic hockey pitch on the site. Such uses are private and not open to public use. A previous application sought to rationalise the sporting needs of the college onto their main campus site in 2008. The application 38/08/0349 included provision of two floodlit all weather pitches, a warm-up area, a third generation 5-a-side football pitch, tennis courts and cricket net surrounds. This was granted in January 2009 with a condition to secure a community use of on site facilities. The

current use of the application site is therefore considered surplus to requirements and discussion have previously occurred with Sport England to satisfy their requirements. The Sport England response to the current application has identified a limited loss of facilities in relation to the site and their recommendation is that further compensatory measures should be secured through a Section 106 obligation or planning condition to secure community use of the retained playing pitch, proposed tennis courts and sports hall and to ensure that all the replacement tennis courts are provided. Given that the certain facilities that are to be included in the community use agreement are off site it is considered that a Section 106 be used to secure this rather than the condition suggested. A condition is considered appropriate to ensure that adequate facilities for those lost from the site are provided by the applicants.

Wildlife

An Ecological Impact Assessment has been carried out as part of the application. The main on site findings related to badgers and a number of mitigation measures are proposed as part of the scheme, including only alteration to fencing to the northern boundary rather than a brick wall as has been suggested and a buffer zone to any new built development. The Biodiversity Officer recommends a condition to address suitable mitigation and this is considered appropriate and necessary in light of the NPPF. This proposal is also supported by the Somerset Wildlife Trust. A condition to control external lighting is also suggested and considered necessary to limit any wildlife impact. A landscaping plan to ensure replacement trees for those removed as part of the development is proposed and will need to be conditioned.

Drainage

The surface water drainage for the site is proposed to be dealt with through on site attenuation with storage in an underground tank and a swale with limited flow outfall to the Stockwell Stream. A drainage strategy has been put forward to satisfy the Environment Agency and Drainage Officer to overcome their initial objections and subject to a suitable condition the address the surface water drainage issue the development is considered to be acceptable. The foul flows from the site will be dealt with by new drains linked to the existing Wessex Water systems and the connections will need to be agreed with Wessex Water.

Access and Highway Safety

In order to provide housing at the site a new access has to be constructed from South Road. This access is sited to provide adequate visibility in both directions and to avoid breaching the section of listed wall. The Highway Authority has raised no objection to the proposal and considers the access visibility to South Road to be acceptable.

The proposed scheme allows for 115 parking spaces for 58 dwellings and this level of parking at this site close to the town centre is considered to be acceptable. There is considered to be more than adequate storage space for bicycles within the properties and it is not considered necessary to condition cycle storage.

The main issue identified by the County Highway Authority is the traffic impact of the proposal. Congestion is an issue on South Road due to the proximity of the town centre and it is difficult to provide any highway improvements. It is recognised however that this issue can be addressed through the proposed travel plan and trip

offsetting measures. The latter would include travel planning for local residents to offset peak hour vehicle movements which might be generated by the development. The provision of such personal travel planning is proposed to be secured by the Section 106 agreement.

Conditions are also suggested in respect of a number of issues and gradients, surface water and street lighting are considered appropriate and necessary to condition. The condition of a construction management plan is not considered appropriate as it is not possible to enforce construction vehicle movements, routes and numbers per day.

Other Issues

The proposal incorporates a children's play area on site and this is to be conditioned as part of any approval. The area will be located in the square and will be overlooked by the proposed houses. The area is self-contained and will have links to the existing footpath and cycleway network. The proposal has been designed with crime prevention in mind. The rear of properties will have clear defensible space and the provision of a footpath to the rear has been designed not only to give rear access but to provide a circular route to historically reflect the walk the nuns would have had. Consequently the argument for such a provision is considered to outweigh the concern of the Police Architectural Liaison Officer.

Conclusion

In summary the site has been carefully assessed in terms of its heritage assets and areas of development that protect the character of the area and setting of the listed building have been determined. This assessment together with the protection of the open space of the Nursery Field and retention of its recreational use are considered to address the concerns of previous development schemes and the reasons why the site was not identified for development in the SHLAA. The access onto South Road is considered to be suitable and safe by the Highway Authority and the traffic generation issue is to be addressed through a travel plan and trip offsetting through a Section 106 Agreement. The Section 106 will also secure affordable housing and the necessary education and maintenance contributions in respect of the site and subject to the requirements set out in the recommendation the proposal for residential of this sustainable urban site is supported.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398