

38/2005/013

TAUNTON SCHOOL EDUCATIONAL CHARITY

**RESIDENTIAL DEVELOPMENT, NEIGHBOURHOOD PUBLIC PARK, REORGANISATION OF SPORTS PITCHES, ERECTION OF NEW PAVILION EXTENSION TO EXISTING PAVILION, FORMATION OF TWO ASTROTURF PITCHES, ROAD JUNCTION ACCESS, PARKING, FLOOD ATTENUATION AND LANDSCAPING ON LAND NORTH OF GREENWAY ROAD, TAUNTON, AS AMENDED BY LETTER DATED 22ND FEBRUARY, 2005 AND PLAN NO. 6225/10C**

22013/26176

OUTLINE APPLICATION

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## **PROPOSAL**

The application is an outline proposal for residential development, a neighbourhood public park as well as reorganisation of sport pitches, formation of two Astroturf pitches, erection of new pavilion and extension of existing. In addition the provision of a new road junction, access, parking, flood attenuation and landscaping is proposed. The applicant's covering letter indicates the site is an allocated one under policy T25 of the recently adopted Local Plan and is proposed for a minimum of 60 dwellings, together with a public park and community access to the junior playing pitches and Astroturf pitches. Affordable housing is to be provided with no public subsidy as set out in the Local Plan and Knightstone Housing Group have been identified as the preferred registered social landlord. A Flood Risk assessment has been submitted and a flood alleviation scheme is proposed based on a flood attenuation area included within the school playing field. The drainage problems in Greenway Road are also resolved as a result. A Transport Assessment has been submitted and the access arrangements for the new junction have been agreed with the County Council. The junction design and capacity has been tested and was considered acceptable to cater for traffic generated both south and north of Greenway Road. An Arboricultural Report has been submitted in respect of the horse chestnut trees and remedial works suggested due to the trees suffering from Phytophthora bleeding canker which can reduce life expectancy. It is proposed to retain the trees due to their prominent visual location and additional landscaping including landmark trees will be provided.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the present application is for land north of Greenway Road and served from the same traffic signal junction as the southern site. The junction proposals have been the subject of technical and safety audits and the design sketch included in the submitted transport assessment (JCC1) is acceptable. A full design and specification is still required. The main drawings submitted show an unacceptable junction layout. The present proposal is in outline with all matters reserved save access. The traffic signal junction is acceptable in principle but the design, construction and funding of the junction should be the subject of a suitable Grampian condition which prevents works commencing on site until the junction has been designed, approved and implemented to the satisfaction of the Planning Authority in conjunction with the Highway Authority. The applicant must be made aware of the need to enter a Section

106 Agreement with the Highway Authority to deliver the junction and a condition re estate roads etc will also be required. It is unclear from the submitted plans if access to the land to the rear of Stanway Close will be via the traffic signal junction or Stanway Close. Either of these is likely to be acceptable subject to the above highway condition, however an indication of which is proposed would be helpful in order to suitably condition the access roads. COUNTY ARCHAEOLOGIST evidence in the form of a Neolithic axe has been found in the proposal field just north of Greenway Lane. Such remains are relatively rare and it is likely further remains exist below ground. At present there is insufficient information to make a reasoned judgement on the effect of this proposal on any remains. I recommend the applicant be asked to provide further information on any remains on the site in the area proposed for development. This is likely to require a field evaluation beginning with a geophysical survey and followed by trial trenching. COUNTY EDUCATION OFFICER the Local Education Authority would expect a residential development of 60 properties to generate a need for 12 primary pupil places and for 9 secondary aged students. In the particular circumstances of this case there is considered sufficient capacity and the LEA will not be seeking a contribution from the developers towards educational provision in the area, although this will, of course, not necessarily be the case for further schemes elsewhere in Taunton. ENVIRONMENT AGENCY the Agency has accepted the Flood Risk Assessment submitted with the application. The Agency requires addition of Grampian conditions to ensure the detailed design of the attenuation area, the flow restriction device and overflows etc are approved before construction commences. From a conservation perspective the Agency advise that the watercourse, from the flow restriction to Greenway Road should remain open and a reasonable natural corridor maintained. Development should be kept back from the stream and maintenance preserved. The balancing pond for the development is shown isolated and should be incorporated in a natural landscaped watercourse corridor with the stream. WESSEX WATER the existing public foul sewerage system has capacity to accommodate the development proposed. There are no existing public surface water sewers in the vicinity. Surface water should not be discharged to the foul sewer. Alternative arrangements for surface water disposal should be investigated. Should discharge be proposed to soakaways tests to ascertain ground suitability together with the number and size should be submitted to satisfy the Local Authority that they will function under all seasonal conditions. If it is proposed to discharge water direct to the watercourse the Environment Agency should be contacted. They will need to be satisfied that the additional rate of run-off will not lead to an increase in flood risks to land or other property. The water supply system has capacity to meet the expected demand. There is a public water main crossing the western side of the site. An easement width of 3 m either side is normally required. Agreement will be required where works alter the depth of cover and diversion if feasible could be carried out at the developer's expense. Costs of infrastructure charges for linking the site to Wessex systems will be payable by the developer. CHIEF FIRE OFFICER means of escape and access for appliances should comply with the approved document of the Building Regulations 2000. Water mains installed should be of sufficient size to permit installation of fire hydrants conforming to British Standards. SPORT ENGLAND have considered the application in light of its Playing field policy. The aim of this is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for sports pitches in 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 "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". Playing fields have been given greater protection and recognition by Government through revised PPG17. Our 5 exception Clauses have been modified and incorporated into PPG17 and paragraph 15 states that:- "Where a robust assessment of need in accordance with this guidance has not been undertaken planning permission for such developments should not be allowed unless i .the development is ancillary to the use of the site as a playing field and does not adversely affect the quantity and quality of pitches and their use; ii.the development only affects land which is incapable of forming a playing pitch; iii. the playing fields that would be lost would be replaced by playing fields of equivalent or better quantity and quality and in a suitable location; or iv. the development is for outdoor or indoor sports facilities of sufficient benefit to the development of sport to outweigh the loss of the playing field. Open space sport and recreational land have been given greater protection by Government through the revised PPG17. Paragraph 10 states "Existing open space, sports and recreational buildings and land shall not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space 'surplus to requirements' should include consideration of all the functions the open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up to date assessment by a local authority an applicant for planning permission may seek to demonstrate through an independent assessment that the land and buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them. From the information that we have been sent to consider there appears to be a lack of evidence of any exceptional circumstances that justifies the permanent loss of these playing fields to new housing development. We would strongly support the retention of these playing fields unless one of the five exceptions to nationally adopted Playing Field Policy applies. In light of the above Sport England objects to the proposal on the grounds that the development will lead to the permanent loss of part of the existing playing field. A copy of this letter has been forwarded to the Government Office in accordance with the Town and Country Planning (Playing Fields) (England) Direction 1998. I trust the application will be referred to the Government Office under this direction should your Council be minded to grant planning permission.

LANDSCAPE OFFICER concerns are impact on existing trees, the trees along Greenway Road are protected but the developer should be aware of restrictions to new dwellings of Council guidance for new dwelling distance from trees. The public park is provided as I understand it, with no landscape proposals and would rely on this Council to plant it and maintain it. Its position provides limited access and as presented would only be useful as a limited kick-about area. Overall I'm supportive of most of the comments and proposals but would appreciate a plan before making detailed comments on the tree schedule. With regard to the proposed housing I think it will be important to provide planting along the northern line of the proposed housing to soften its impact. The eastern boundary will also require planting to soften the impact of housing on the adjacent public footpath. The Astro turf to the west should be moved further south to avoid damaging existing tree roots. The security fencing on the boundaries should be landscaped to reduce its impact. Is there scope for opening up the stream as a landscape feature within the site. DRAINAGE OFFICER discussions have taken place

and the Flood Risk Assessment dated January 2005 has been accepted. However there are still some details that need addressing before full permission is given. No outline permission should be granted until the points raised have been addressed or suitably conditioned on any approval. It should be noted that not only is the site within a floodplain but flooding occurs on a frequent basis. A section 106 agreement will be required for the maintenance of the proposed screen and flood restriction device with an accompanying commuted sum. HOUSING OFFICER the Housing Service will be overlooking for 35% social housing on this valuable site where there is a proven need. This will provide 21 social housing units. LEISURE DEVELOPMENT MANAGER this application for 60 dwellings will address two areas of community need identified in recent studies - additional football pitches for young players and public open space with lay facilities. These are required to comply with Policy C4 of the Local Plan. The Playing Pitches Strategy identified an undersupply of junior and mini football facilities. The proposal provides community access to 3 football pitches and the changing pavilion on site. There will be community access to the astroturf pitches on another part of the site. The pavilion must cater for 3 officials, 2 junior teams changing rooms and a communal changing area for use by mini footballers along with toilets. The Section 106 Agreement must include a clause that enshrines the public access to pitches and requirement to keep the charge for hiring in line with that applied to other public pitches by the Council. The parking area shown would be inadequate and should be capable of accommodating 20 cars. There should be a condition on the application that perimeter fencing be landscaped to soften its impact from the park. The Greenspaces Strategy identified a lack of accessible open space and play provision in this part of town. The new neighbourhood park will provide a new public open space for the local community. A capital contribution of £1785 per new dwelling of 2 bedrooms or more will be required for play and activity equipment. If more than 60 dwellings are eventually built there must be provision for an additional contribution to be made towards facilities in the park. This funding will enable the construction of facilities for children and young people as well as some general seating, bins, etc. It is intended to use a small percentage of this sum for the cost of consultation to develop the design of the layout of the park. The new housing must have access to the park perhaps from the north east corner of the site onto the footpath between Greenway Road and Turner Road. There are a number of issues that need to be addressed before the area could be adopted: There is evidence of illegal entry to the Uppers from the fields to the north. This boundary should be made good before this land is adopted as public open space. The stream to the west of the site must be cleared of debris. The soil mounds dumped along the northern boundary to be spread across the adjacent lower area. The rubbish dumped adjacent to the fence of 23 Wyndham Road must be removed and the boundary along the north side of the site clearly identified and ownership clarified. Taunton School to retain ownership of security fencing around the playing fields. A sum towards maintenance for the next 20 years will be required.

30 LETTERS OF OBJECTION have been received raising the following issues:- concern over loss of on road parking; sufficient parking in new development; congestion and extra traffic on main road already overloaded at peak times; greater tailbacks at busy times; queuing will make drive access impossible; access should be adjacent to the public footpath; building on elevated site would lead to overlooking; loss of light and residential amenity; loss of wildlife; loss of quality of life; loss of view; loss of value; detrimental loss of green fields; loss of recreational space; no need; no detail of houses or fences; brownfield sites should be used; affect level of water table; increase risk of

flooding; concern over change in levels; possible detrimental effect on effective financial planning of and operation of schools; transport and health centres; query over need for open space or community facilities; access for emergency vehicles; the layout for social housing should be agreed before the application is considered and the height of housing agreed; if allowed there should be an amenity strip 15 m wide and nothing built within 25 m of the eastern boundary; more detrimental vehicular use of Stanway Close; infrastructure not suitable for further residential development and impact on vulnerable residents; road access will be more difficult; more noise and pollution with traffic lights and heavy lorries; Northern Relief Road should be in place first; trees on Greenway Road should be protected; children shouldn't be playing football uphill; the fields have been well used; concern over park ownership and maintenance; boundary treatment and lighting of AstroTurf and other pitches; floodlighting should be resisted; noise from park 24 hours a day; loss of character and views to the green wedge and Quantocks; contrary to Policy EN13 of Local Plan; lack of detail as to how the land will be used or secured for community playing field; concern over management of trees on northern boundary; loss of habitat and effect on wildlife; fencing would obstruct movement of wildlife; loss of views to the south and security of the public park boundary; need for park when there are alternative children's play areas; park area should be larger; park will attract vandals and noise; pavilions may attract trouble; fencing will cut off avenues of escape for anyone attacked; damage due to ball sports next to housing; unsuitable 'dead' corner to park; park will need to be patrolled; it is isolated, insecure and will attract unsocial groups after dark and would be better sited next to Greenway Road or next to stream; appropriate boundary fencing to park boundary should be provided; dogs should not be allowed on park or play areas; consultation with all local residents to determine local requirements and discuss issues in terms of public park.

## **POLICY CONTEXT**

RPG10

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 1 - Nature Conservation, Policy 13 - Locally Important Archaeological Remains, Policy 14 - Archaeological Strategies, Policy 33 - Provision for Housing, Policy 35 - Affordable Housing, Policy 37 - Facilities for Sport and Recreation, Policy 49 - Transport Requirements of New Development, Policy 60 - Floodplain protection.

Taunton Deane Local Plan Policies S1 - General Requirements, H1 - Housing within Classified Settlements, H12 - Affordable Housing within General Market Housing, H12a - Indicative Targets for Affordable Housing, H21 - Designing Out Crime, M3a - Residential Parking, C1 - Education Provision, C3 - Protection of Recreational Open Space, C4 - Standards of Recreational Provision, EN3 - Local Wildlife and Geological Interests, EN7 - Trees in and Around Settlements, EN13 - Landscape Character Areas, EN24 - Areas of Archaeological Potential, EN30a - Land Liable to Flood, EN31a - Flooding Due to Development, T25M - Small Residential Allocations.

## **ASSESSMENT**

The site was allocated as part of the recent Taunton Deane Local Plan and the Inspector recommended the allocation on the basis that the remainder of the Uppers

area was available for community use, rather than the private use of the school. The residential site therefore lies within the settlement limit of Taunton and the area of green space to be retained beyond is considered not to detract from the existing green area of open space. The proposal is therefore considered to comply with Policy T25M of the Local Plan subject to a Section 106 to secure the community use of the land and the provision of adequate play facilities in relation to the new housing.

The Leisure Development Manager has undertaken surveys to identify local needs within the area and the application proposes junior play pitches and open space in the form of a park to address these needs. Sport England was initially objecting to this development on the basis of the loss of playing fields. However the Borough Council has undertaken a survey of playing field needs as required by PPG17 and therefore the exceptions referred to by Sport England in their response are not considered relevant. Sport England did not object to the allocation of the site as part of the Local Plan and part funded the survey of need undertaken. This survey concluded that in most respects the provision of pitches is adequate and that one of the few deficiencies identified was in the provision of junior soccer pitches. There is no public access at present and if the application were to be refused there is no reason to believe that the site would be made available for community use. A Section 106 Agreement will ensure the community use of playing pitches and the provision for a public park in line with the Green Spaces Survey and Strategy. Consequently the Council consider the proposal accords with advice in paragraph 12 of PPG17 in that in return for the loss of a limited part of an inaccessible playing field, substantial community benefit will be secured that will help meet existing and identified deficiencies in the provision of playing fields and recreational open space.

The Flood Risk Assessment submitted has been accepted by the Environment Agency and a number of conditions have been recommended. A flood attenuation area either side of the stream by lowering the land levels up to 3m is proposed. A flow restriction device is proposed within the attenuation area to ensure no downstream flooding occurs. The stream is maintained by the Council and a sum for maintenance of the flow restriction device and screen proposed will be required as part of the legal agreement.

The Local Plan requires a 35% contribution of affordable housing in relation to this site. The principle of this has been agreed by the applicant and a legal agreement will be necessary to ensure this is provided in line with policy H12a.

The County Highway Authority have raised no objection in principle to the development but recommend a Grampian condition to ensure the provision of the junction to the appropriate standard prior to the development commencing. This junction is the same as was approved under the permission for the land to the south of Greenway Road. A number of objections have been raised in terms of the loss of parking for properties in Greenway Road. The extent of parking restrictions to be imposed in relation to the junction has yet to be finalised however in light of the restrictions being on the public highway and the junction being the same as that previously approved it is not considered that this is a reason for rejection of the scheme.

The trees on the Greenway Road frontage have been assessed as part of the proposal and subject to remedial works are intended to be retained. Additional landscaping is also proposed and the Astro turf pitches have been moved south away from the root

system of the large trees on the boundary as requested by the Council's Landscape Officer. A wildlife survey is proposed as a condition to ensure any remediation necessary can be incorporated into future landscaping and an archaeological survey is also considered a necessary condition.

## **RECOMMENDATION**

Subject to the completion of a satisfactory archaeological survey and a Section 106 Agreement relating to the donation of the public park area to the Borough Council, the provision of community access to the playing field and AstroTurf pitches, a capital contribution for play and activity equipment, a commuted sum for the maintenance of the screen and flood restriction device and the provision of 35% affordable housing provision by 13th April, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject conditions of time limit, reserved matters, drainage, submission of details, materials, landscaping, boundary treatment, tree protection, wildlife survey, scheme of attenuation of flows from stream, scheme of flood storage works, surface water run-off limitation, estate road details, design statement, fencing details to park, fields and footpath, footpath link between housing and park area, no development until traffic junction provided, details of parking area and design of pavilions, no service trenches within canopy spread of trees, scheme of archaeological investigation and notes re Environment Agency letter, grey water recycling, disabled access, energy rating, meter boxes, secure by design and need for Section 106 for highway works.

REASON(S) FOR RECOMMENDATION:- The site is located in the settlement limits of Taunton where residential development is considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4. The proposal is considered to meet the requirements of the Taunton Deane Local Plan Policies S1, H1, H12 and C4 (Revised Deposit numbering) and material considerations do not indicate otherwise.

Should the Section 106 not be completed by 13th April, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission.

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

**CONTACT OFFICER: 2456 MR G CLIFFORD**

NOTES:

