

25/2006/018

MR J SMALL

DEMOLITION OF BUILDINGS AND ERECTION OF 57 RESIDENTIAL RETIREMENT APARTMENTS; RENOVATION OF TWO COTTAGES TO FORM ONE RESIDENTIAL COTTAGE AND ONE WARDENS COTTAGE AT BEAUFORD PARK AND FITZWARREN HOUSE, NORTON FITZWARREN, TAUNTON AS AMENDED BY LETTER DATED 5TH SEPTEMBER, 2006 AND FURTHER AMPLIFIED BY LETTER DATED 7TH SEPTEMBER, 2006

319897/125791

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards local community facilities and provision for affordable housing and;
- (ii) the views of the County Highway Authority and any conditions they may require;

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

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 02 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 03 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in

writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 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.
- 06 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 06 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN8.
- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 08 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 09 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be

erected/planted before any such part of the development to which it relates takes place.

09 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.

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

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

11 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

12 The elderly persons dwellings hereby permitted shall only be occupied where at least one member of the household is aged 55 years or over, provided always that this restriction shall not apply to the occupation of any of the flats by a surviving spouse under the specified age who continues to occupy a flat after the death of the other spouse who was of the specified age.

12 Reason: The Local Planning Authority is concerned to ensure that the proposal does not result in an insufficient number of car parking spaces being provided on the land if the full parking standards are not met in accordance with Taunton Deane Local Plan Policy M4.

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

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

14 No buildings shall be demolished until a contract has been let for the redevelopment work.

14 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.

15 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person

shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

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

16 Prior to the demolition of the existing buildings on the site, a survey shall be carried out to ascertain the importance of the buildings for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development.

16 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policies EN4 and EN5.

- 17 None of the flats shall be occupied until provision has been made as part of the development for the associated bin storage area.
- 17 Reason: In the interests of the residential amenities of the occupiers of the proposed development in accordance with Taunton Deane Local Plan Policy S1(E).
- 18 Details of the arrangements to be made for the disposal of surface water on the adjacent B3227 shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 18 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 19 The visibility splays onto the B3227 shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 Within the site, visibility splays of 2.0 m x 33 m with no obstructions in excess of 300 mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes to Applicant

- 01 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 02 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823-356476.
- 03 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the buildings.

- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 You are advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3 m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. You are required to protect the integrity of Wessex Water systems and agree prior to commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Connections to Wessex Water systems need to be agreed with them.
- 09 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 10 With regard to Condition 18, the details shall include the provision of a new 375 mm diameter pipe through the site and the adjoining park home site to outfall into Norton Brook. It should run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect highway drainage into it.

Reason for the Recommendation:- The proposal is considered to be compatible with national and local planning policies which encourage development on previously developed land. Furthermore the proposal is considered not to have a detrimental impact upon the visual or residential amenity of the area and is therefore considered acceptable and accordingly does not conflict with Taunton Deane Local Plan Policies S1 and S2

2.0 **APPLICANTS**

Mr J Small

3.0 **THE PROPOSAL**

The proposal provides for the demolition of Fitzwarren House and East End Cottage, together with various outbuildings and the erection of 57 retirement apartments. The scheme also includes the renovation of two existing

dwellings to form one residential cottage and one warden's cottage. 12 of the apartments are proposed to be affordable homes. The proposal also incorporates alterations to the existing access into the Beauford Park park home site. The materials are to be a combination of white painted render or brickwork with black weatherboard cladding. Roofs are to be a mixture of mainly red double Roman tiles with some blocks with slate roofs. The open market apartment will comprise 20 two bed and 25 one bed units. The affordable apartments will comprise 2 two bed and 10 one bed apartments and will be scattered through the development. 38 parking spaces (including 8 disabled spaces) will be provided.

A Design Statement and Access Statement were submitted with the application. The development will be in the form of three blocks. The Design Statement indicated that the design is one of contemporary architecture that is respectful of its setting and surrounding buildings. The varied use of the weatherboard cladding and the intervention of some areas of white painted render are intended to provide the appearance of a village with smaller buildings rather than a bulky institutional monolithic structure.

The position of the vehicle access into the site has been adjusted slightly to improve the visibility splay at the junction with the main road. Pedestrian access to the site will be either at the same point as the vehicle access, or via a number of footpaths along the northern edge of the site. Car parking spaces are grouped in parking courts. Disabled parking facilities have been provided as close as possible to the main entrance into the each of the apartment blocks.

In addition to the three apartment blocks, a corner of the site has been identified as a suitable site for a possible future community hall as a common room for the residents of the apartments. However, this does not form part of the current application. Communal bin stores have been included in positions that are intended to be easily accessible for the residents, but also convenient for refuse collection. These bin stores will be enclosed by the use of mobilane green screens spanning between timber pergolas. The majority of the apartments include patio doors that, on the ground floor, open into the grounds around the building, and on the upper floors open either onto a full balcony or a simple balustrade across the opening.

4.0 **THE SITE**

The site lies to the south of the B3227 within the associated settlement of Norton Fitzwarren. The site comprises two existing dwellings, one vacant and boarded up, a range of disused outbuildings previously used in connection with the adjacent park home site, along with some waste ground. The site fronts onto the B3227 and behind the site is a park home site. None of the existing buildings to be demolished are of any particular merit and most are in a run-down and poor state of repair. As a result, the applicant considers that the site is unattractive and does not present a welcoming entrance to the park homes site. The ground surfaces of the site are a mixture of hard standings, chipping tracks, grass and wasteland. The site is largely level with a slight

gradient down at the northern end of the site, sloping down to the southern end. There is likely to be some remodelling of levels to suit the proposed development.

There is an existing access to the site off the B3227 which will be altered as part of the proposed development. There is a bus service along the B3227 running adjacent to the site and the site is close to the village shop, church, pub and village hall.

5.0 **PLANNING HISTORY**

22/2002/034 Residential development to provide 72 No. dwellings and formation of access to B3227, Prings Caravan Site, Norton Fitzwarren. Application withdrawn December 2002.

25/2004/029 Erection of two storey one and two bedroom warden control retirement flats for persons over 55 years, land around Eastend Cottage and Fitzwarren House, Norton Fitzwarren. Committee resolution (June 2005) that subject to the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards community facilities and provision for affordable housing in the event that the number of dwellings proposed at the reserved matters stage exceed 25 the Development Control Manager be authorised to determine the application in consultation with the Chair/Vice Chair and permission be granted subject to conditions.

25/2006/011 Erection of 71 one and two bedroom warden controlled retirement flats for person over 55 years, and the renovation of two existing cottages to form one residential cottage and one warden's cottage on land around Eastend Cottage and Fitzwarren House, Norton Fitzwarren. Application withdrawn June 2006.

6.0 **RELEVANT PLANNING POLICIES**

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)

The following policies are relevant:-

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 35 Affordable Housing

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan (Adopted November 2004)

Policy S1 General Requirements

Policy S2

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

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

Policy H2 Housing Within Classified Settlements

Policy H9 Affordable Housing Within General Market Housing

Policy H10 Indicative Targets For Affordable Housing

Policy M4

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

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

Policy C4 Standards of Provision for Recreational Open Space

Policy EN4 Wildlife in Buildings to be Converted or Demolished

Policy EN5 Protected Species

Policy T1

The extent of Taunton is defined on the Proposals Map to include the associated settlements of Bathpool, Bishops Hull, Monkton Heathfield, Norton Fitzwarren, Staplegrove, Staplehay and Trull.

Policy T4 Norton Fitzwarren Development Site – Major Site Allocation

Policy T5 Housing Allocations

7.0 **RELEVANT CENTRAL GOVERNMENT ADVISE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 4 - Aims For Sustainable Development

Paragraph 5 – Re-Using Urban Land And Buildings

Paragraph 13 – Key Principles

Paragraph 19 – Plan Policies And Planning Decisions

Paragraphs 33 – 35 – Design

Planning Policy Guidance Note 3 – Housing (PPG3)

Paragraph 16 – Amount And Types Of Affordable Housing

Paragraph 22 – Re-Using Urban Land and Buildings

Paragraph 38 – Consideration Of Planning Applications

Paragraphs 57/58 – Making The Best Use Of Land

Consultation Paper on a New Planning Policy Statement 3 – Housing PPS3

Paragraph 1 – The Governments Objectives

Paragraph 17 – Efficient Use of Land

Paragraphs 23/28 – Affordable Housing

Paragraph 37 – Designing For Quality

Planning Policy Guidance 13 – Transport (PPG13)

Paragraph 49 – Parking

Paragraph B3 – Local Roads

8.0 **CONSULTATIONS**

County Highway Authority

Interim comments:-

“Would it be possible for you to put a comment/request in on this application?”

This is due to the on-going flooding problems at this location and would be for the developer to lay a new 375 mm diameter pipe through his site to outfall into Norton Brook. It would run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect highway drainage into it.

John Herrington at TDBC has been liaising with the developer’s agent over this matter.”

Comments on the current application will be reported verbally, but the following comments were made on application 26/2006/011:-

“I have no objection in principle to the proposed development of seventy-one one and two-bed flats on the above site.

It is, however, essential that an adequate means of access is provided, together with such works that are needed to mitigate against the effects of the development on the highway network.

To this end, visibility splays shown on the attached extract of 4.5 m x 90 m to the east and 4.5 m x 68 m to the west are acceptable. These splays will result in a widened footway to the east and a small setting back of the proposed boundary wall to the west. There should be no obstructions within these visibility splays in excess of 300mm above adjoining carriageway level. The splays should be dedicated as public highway.

Within the site, visibility splays of 2.0 m x 33 m with no obstructions in excess of 300mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings. All footways shall be 2.0 m in width.

I understand that the roads are to remain private. This will mean private power supplies and drainage will need providing.

I have concerns regarding the effect the proposed development will have on the existing flooding problem in this location. During times of heavy and prolonged rain, the B3227 floods in front of Beauford Park. It is essential that the new development does not exacerbate the existing situation and a

condition should be attached to any consent to ensure that a scheme for the disposal of surface water from the development is submitted to and approved by the Local Planning Authority and Somerset County Council prior to the commencement of the development. A condition requiring the implementation of the approved scheme, prior to the occupation of any of the new dwellings, is also required.

Concern has also been expressed over the speed of vehicles approaching the site from the east and how this could be mitigated. I have considered the question and I believe that the applicants should fund the provision, erection and maintenance of variable message signs to reinforce the 30 mph speed limit. The signs to be in accordance with Traffic Advisory Leaflet No. 01/03. The provision of these signs will need to be dealt with by means of a Section 278 Agreement with the Highway Authority and provided prior to the occupation of any new dwelling.

In addition, the following condition should be attached:-

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

Environment Agency

Standing order advice should be applied.

Wessex Water

“The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to 'mains.' As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). It may be possible for the developer to discharge surface water flows to the land drainage system with the consent of Taunton Deane Borough Council. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.”

Somerset Environmental Records Centre

No statutory or non statutory sites and species at the application site. One County Wildlife Site, one County Geological Site and one or more legally protected species found within 1 km of the site.

Landscape Officer

“The ash tree (TPO) to the south of the visitor car parking area is better protected by no car parking spaces being within the canopy spread of it.

Overall the landscape is poor in that details are sketchy and although there are some opportunities for tree planting there is insufficient to make a contribution to the wider street scene.”

Nature Conservation Officer

“I am concerned that no survey work for protected species has been submitted and I advise that this information is a requirement before determination of this application.

There is still time this season to carry out a bat emergence survey of the buildings concerned. This work would then inform the method statement for demolition which may include the timing of works and/or the need for a Defra licence before demolition.”

Environmental Health Officer

“Contaminated Land

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person) shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

(a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.

(b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

(c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.

(d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.

(e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

(h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. M926B

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.

Construction & Demolition Noise (Note)

Noise emissions from the site during the construction and demolition phase should be limited to the following hours if nuisance is likely at neighbouring premises:

Monday – Friday 0800 – 1800, Saturdays 0800 – 1300. All other times, including Public Holidays no noisy working.”

Housing Officer

“There is a need for affordable housing on this site. The local plan calls for 20% of numbers constructed. The need is perceived to be much greater than this. Therefore I would be looking for 11 flats with two bedrooms plus a commuted sum of 40% of the build cost of one two bed flat.”

Leisure Development Manager

“As stated in my observations of 12th June, 2006, the draft Section 106 Agreement for this application requires payment of £846.00 in respect of each dwelling unit towards the provision of community facilities within the vicinity of the development. This together with the area of communal use space proposed on the application is adequate provision.”

Parish Council

“(1) Surface Water Drainage. The Council understands from Kensington Taylor that drains and an attenuation pond will be constructed on the site. There were no details of this with the application, could the Council please see a copy of these plans?

(2) Sewerage. It has been reported to the Council that there are already major problems on the site regarding sewerage disposal, which need addressing. To include the sewerage of 57 flats into the existing pipe work would be disastrous and lead to a major environmental health problem. Will a new sewerage system be laid for the new development?

(3) The width of the pavement in front of the two cottages being retained will not be sufficient for wheelchairs, buggies or anyone with mobility problems.

(4) The parking is insufficient in a rural area for elderly people who are visited more often by doctors etc. and who will need transport as the facilities in the village are not sufficient to cope. The doctor's surgery is already over capacity in Norton Fitzwarren. Regarding the access onto the main road which carries very heavy traffic will a safety audit be carried out on this junction?

(5) The Social Housing aspect must also be for 'over 50 years of age, retired people with no children' as is specified for the rest of the site. Can this be included in the rental agreements of these flats?

(6) The Council are concerned as to the position of the dustbin area and feel this will cause a nuisance to the park home residents with rats and the smell. Could this be put in an enclosed building?

(7) The Council request a significant reduction in the black cladding which is presently used in the village on industrial buildings not residential, and feel that an increase in brickwork would be more appealing.

(8) 57 flats is still far too many for a rural location.

(9) The position of block 'C' is forward of the existing building line and is still too close to the existing Park Homes and Burnshill Terrace. It also has no parking facilities or bin area, residents will have to cross a road to dispose of waste."

9.0 **REPRESENTATIONS**

36 letters of objection have been received making the following points:-

1. Rights of access interfered with.
2. Gross overdevelopment and overcrowding, which is socially undesirable.
3. Overlooking.
4. Poor outlook from new flats overlooking back gardens and outbuildings.
5. Drainage of storm water in the area is clearly known to be inadequate, as evidenced by the flooding which regularly occurs at this point.
6. Car parking is totally inadequate. A ratio of 1 to 1 at least is essential. Indiscriminate parking due to lack of provision may restrict access for emergency vehicles. In a rural situation where there is no adequate public transport system, so ownership and use is inevitable.

7. Additional traffic onto the main road, which is very busy and causes hold-ups at times.
8. Beauford Park looks very attractive at the moment, so development should not be allowed.
9. Will lose nice aspect of the old village.
10. New modern homes will not be in keeping with the village.
11. Peace and quiet of village life should be maintained.
12. Should be no building until adequate off-site flood prevention is provided.
13. Should be used as part of the mobile home park.
14. Inadequate facilities for this type of development.
15. Too prominent.
16. Future community hall would be likely to be overbearing and out of scale with regard to the height, massing and form together with loss of sun light, privacy and possible disturbance. Unlikely to be respectful of the immediate setting and surrounding buildings. Any proposal for a community hall should be considered along with the current application. No consideration as to whether this would be the best location for any community hall.
17. Provision is shown for lifts, but roof lines do not show any external provision for the lift winding gear.
18. If ground levels were raised, this would result in flooding of adjacent dwellings.
19. Not enough garages.
20. Little attempt to address previous objections.
21. Planning Committee grossly misled in granting original outline application on the flimsy details and biased photography.
22. Within the Design Statement there are still half-truths and economies of fact relevant to the facilities available in the village and the access. The application appears to be driven by political expediency and commerce.
23. Reference to 'social separation' is discrimination of the worst kind.

24. No demographic evidence to support the Housing Officer's statement that there is a perceived need for more affordable housing on the site. Norton Fitzwarren already has a higher than average of this type of housing. Facilities are not in place to cater for this level of population imbalance.
25. Query desirability of placing large numbers of elderly persons in close proximity and will local health care facilities have capacity both now and in the say 10 years when the residents are much older.
26. Weatherboarding in the village is on industrial buildings, not residential.
27. There is no easily accessible bus stop suitable for elderly or disabled persons on either side of the B3227, neither is there a pedestrian crossing point to give access.
28. Moving the main access point and the demolition of East End Cottage will not improve visibility. Applications for drive access to properties adjoining have already been refused on the grounds of danger and poor visibility.
29. East End Cottage is one of the oldest in the village and may be subject to listing as well as being a possible bat roost.
30. There has been no survey of protected species on the site.
31. Inadequate footpath widths through the village, which would prevent any wheelchair users from accessing the few facilities.
32. Provision of a community hall is a red herring – there is already a more than adequate village hall.
33. A mixed community is preferable.
34. Design makes inadequate provision for access and ease of management of the disabled.
35. In some cases windows look out to blank walls.
36. Internal layout poor, with access to toilet facilities through bedrooms.
37. Communal disabled toilet facilities are a relic of the Victorian era.
38. Thought should be given to incorporating energy conservation measures such as solar heating.
39. Until such time as the infrastructure relating to the whole development at Norton Fitzwarren on the Taunton Cider site and adjacent land have been defined and put in place, particularly relating to flooding, drainage, traffic management and transport, shopping, medical

facilities and other items, there should be no consideration of the proposals. The piecemeal approach which is being adopted will only result in poor planning which will be a problem in future years both socially and financially.

40. It is feasible for a lady of 55 to have teenage children.
41. Will swamp existing properties.
42. Tree Preservation Order tree likely to be felled.
43. Most of residents will still be working and more than likely have 2 cars per household.
44. Applicant has plans to put up security gates at entrance to all roads to stop people parking.
45. If buildings are not maintained, will look like slums.
46. No fire hydrants.
47. Bin store will attract rats, foxes, flies and smells.
48. Access to flats will attract youngsters to congregate, causing nuisance and damage.
49. Buildings may cause shading to the public footpath.
50. A pedestrian light controlled crossing is required to get across to and from the bus stop.
51. Should be kept purely as a park home site.
52. Noise and dust from construction.
53. Query whether will be provided with water meters.
54. Problems with sewage disposal.
55. Materials proposed will make it look like holiday flats.
56. Building line of block C is too close to main road.
57. Block C should be smaller with adjacent parking and bin stores to avoid residents having to cross new access road to load/unload etc.
58. Bin storage should take account of recycling.
59. An overall flood prevention and drainage scheme for Norton is needed.

60. Question whether traffic lights or roundabout required at access point.
61. Development should take account of covenant on the land.
62. Fitzwarren House should be renovated and used as a warden's house.
63. Would be a shame to see the lovely big trees in the garden of Fitzwarren House go.
64. Loss of light.
65. Told part of the site was to be for a landscaped area for the park home site.
66. Site not appropriate for flats –which should go on the Trading Estate or the cider factory site.
67. East End Cottage should not be demolished.
68. Traffic calming measures should be introduced on the B3227.

Letter from Chair of Norton Fitzwarren Parish Plan Steering Group making the following observations:-

1. Use of black weather boarding should only be considered for commercial/industrial buildings. Do not consider its use to be appropriate on domestic buildings, except possibly as a small detail.
2. Block B3 should be redesigned to resemble the cottage to be demolished.
3. Render should be coloured in cream, magnolia or similar rather than white, which in juxtaposition to the black weatherboard gives a 'Tudorbehan' feel, totally out of keeping with the village. Use of pink render should be proportionate and confined to the building which most closely corresponds with the rendered cottage to be demolished.
4. The present elevation treatments are not convincing in relation to the cottages to be renovated.
5. Question the use of balconies overlooking the main road, as this gives the impression of a waterside development as well as being a dubious amenity in view of the proximity of passing traffic.
6. Might be more in keeping with a village setting to design block B1 frontage to resemble terraced cottages, whilst avoiding pastiche.
7. Block C stands alone and could therefore be treated as one large house as long as it is in harmony with the rest of the development and existing buildings nearby.

8. Block A could benefit from elements of the design and materials of Fitzwarren House, which is to be demolished.
9. Welcomes the provision of sheltered housing for the elderly in the Parish and hopes that local people will have priority in the allocation of the affordable units.
10. Concern that the number of units may be too great for the site and for the facilities available in the village currently.
11. The number of parking spaces is totally inadequate for a rural development.
12. Concerned that there are no parking or bin storage facilities adjacent to block C.
13. Bins should be kept in a building.
14. Secure storage for mobility scooters should be included in a development aimed at people in need of the services of a warden.

Letter of objection from Ward Councillor making the following observations:- Welcomes and positively supports the principle of such accommodation as it provides for a need within the village. Delighted that the applicants have resubmitted plans that are more in line with the outline planning application. There are, however, several quite serious issues that remain and need addressing in relation to policies in the Taunton Deane Local Plan:-

1. Policy S1(A). Additional road traffic arising will lead to overloading of access roads and road safety problems. Previous concerns raised by the County Highway Authority in relation to visibility at the site access have been addressed with the proposed demolition of East End Cottage. The entrance should be built to a general estate road condition.
2. Policy S1(B). Should be accessible by public transport, cycling and pedestrian networks.
3. Policy H2(A). There is no provision for a west bound bus stop lay-by. The existing bus stop further to the west has no lay-by and is in a dangerous position close to a bend. Consideration should also be given to the provision of a pedestrian crossing across the B3227 to enable residents to safely cross the busy road to the bus stop for Taunton.
4. Policy H2(C). Disappointed not to find any proposal for traffic calming measures on the approaches to the village from Taunton. As a minimum an illuminated 'reduce speed now' sign should be provided.

5. Policy S1(H). The section of the B3227 immediately adjacent to the site regularly floods. Storm drainage on the site is totally inadequate for the proposed development. None of the existing park homes are connected to a storm drainage system. Measures must be taken to improve storm drainage across the whole of the site that is under the ownership of the applicant (i.e. The whole of Beauford Park) to ensure adequate storm drainage from the proposed development. The system could also be so designed to also take flood water off the B3227 and more particularly prevent further flooding of Swiss Cottage and the Old Forge, which form part of the planning application. This development should not be allowed to go ahead without appropriate flood prevention measures being put into place.
6. Questions whether the sewage system has the capacity for the development. The existing sewage system running through the park homes site is causing problems now. It is imperative that these flats are connected to a fully functional sewage system that is in good repair, and not to anything that is sub-standard.
7. Questions whether the terminal pumping station has sufficient capacity to accept the extra foul flows, not only from this proposal, but also from the additional houses that have been built within the village in the last 12 months and the houses that are due to be built on Taunton Trading Estate and the old cider factory site. If it is not, must seek from Wessex Water a strategy for overcoming the shortcomings so that we do not get into the catastrophic situation whereby the pumping station cannot cope with the sewage from the village.
8. Questions whether there is still spare capacity in the water supply distribution system, as in 7 above.
9. Policy S1(G). Should ensure that there is adequate provision for recycling.
10. Policy S2 (Design). Pleased that the applicant has obviously looked at the Village Design Statement – bulk has been reduced and roof lines have been improved. However, disappointed at such heavy use of black timber cladding. This is a feature of some industrial buildings within the village, but does not appear on any domestic buildings. To meet the requirement for the design to reinforce the local character, the new buildings should be finished using a mixture of brick and rendered finishes.
11. Policy H2(G). Block C will cause a loss of privacy to No. 1 Burnshill Terrace and No. 1A Beauford Park. Block C is also proposed to be built in front of the existing building line of Burnshill Terrace. The block is also too close to existing properties and will compromise protected rights under the Mobile Homes Act 1983.

12. The siting of an enclosure for large wheelie bins at the end of one of the main access roads through the park homes site is inappropriate. The bin should be re-sited to a more discrete location.
13. Concern over parking space allocation being inadequate, encouraging parking on the main road which will be a safety hazard and also reduce visibility for those egressing from the site. The already narrow site roads will be clogged up with cars which again will have a detrimental effect on the visual amenity of the site. The site is within a rural, not an urban, location. More parking should therefore be provided. In addition, yellow lines should be installed on the main B3227 fronting the site to prevent parking along this stretch of road.
14. The age limitation on the flats throws an in-balance onto the local demographics. The site is some distance from the existing local shop, along a busy main road with narrow pavements. Invalid access along these pavements is severely limited, with kerbs, etc. presenting insurmountable obstacles. The applicant should contribute towards the cost of installing appropriate drop kerbs for ease of access. With the development on the old cider factory including a welcome proposal to include a small shopping centre in the vicinity of the existing village hall it has been accepted that market forces will probably force the closure of the existing village shop. This will entail an even further walk from this proposed development, which for elderly people will be a problem. This could be addressed by encouraging the provision of a suitable shop within the St Modwen's development.
15. The age condition should be applied to the affordable section of the development as well.
16. People who bought park homes on Beauford Park were not informed by the owner of the site about his plans to develop the front of the site.
17. In conclusion and taking a balanced view of all the objections, consider the application is still a long way from being acceptable and urge that it be recommended for refusal.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A. Does the proposal comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Does the proposal provide for an adequate amount of affordable housing? AFFORDABLE HOUSING
- C. Does the proposal provide for an adequate amount of recreation provision? RECREATION PROVISION
- D. Is the proposed access to the site suitable? ACCESS

- E. Is the proposed development likely to be affected by flooding? FLOOD RISK.
- F. Will the impact on the visual amenity of the area be acceptable? VISUAL AMENITY
- G. Will the impact on the amenity of the occupiers of the adjacent dwellings be acceptable? IMPACT ON ADJACENT DWELLINGS
- H. Is the parking provision adequate? PARKING
- I. Has adequate provision been made for the protection of any wildlife on the site? WILDLIFE
- J. Is the proposed development sustainable? SUSTAINABILITY
- K. OTHER ISSUES

A. Policy

The site is within the settlement limits of Norton Fitzwarren as defined in the Taunton Deane Local Plan. Norton Fitzwarren is identified as an associated settlement of Taunton in the Local Plan. The site forms the northern end of a mobile home park and also includes 4 dwelling houses, two of which are proposed for demolition as part of the development and various redundant outbuildings. The site comprises brown field land and the principle of development is therefore in line with national planning policy guidance. In particular PPG1 sets out the principles of national planning policies and focuses development in a sustainable pattern. PPG3 promotes the development of housing in sustainable locations and the criteria of sustainable residential environments. It introduces the requirement of a sequential approach to the location of housing developments prioritising previously developed land and development within or adjacent to existing urban areas. PPG13 promotes plan policies that encourage a reduction in the number and length of journeys by private car and encourages use of public transport and alternative means of travel.

The site is proposed for residential development in the Taunton Deane Local Plan, forming part of a larger mixed use site comprising the current site and the remainder of the mobile home park, Taunton Trading Estate to the east and the former cider factory premises to the west.

It is considered that the proposals are generally compatible with planning policy at both the national and local level. The main thrust of current planning policy is to achieve well designed, sustainable development, which make the most efficient use of land, in locations which meet sequential requirements. The current proposal on a brown-field site, underused and within the settlement limits, fits the criteria for development being promoted by both central and local government.

B. Affordable Housing

The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The need for affordable housing is a planning consideration and central government policy encourages local planning authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Policy H9 of the Taunton Deane Local Plan sets out the requirements for affordable housing within general market housing sites. Policy H10 sets out indicative targets to be sought for affordable housing, as a percentage of the dwellings on each allocated site. The indicative target for the Norton Fitzwarren site set out in policy T5 is 20%.

The Housing officer is looking for 11 of the flats to be affordable plus a committed sum of 40% of the build cost of one further flat. The scheme provides for 12 flats to be affordable and it is recommended that this be secured through a Section 106 agreement.

C. Recreation Provision

Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. The Leisure Development Manager requires a payment of £846 in respect of each unit towards the provision of community facilities within the vicinity of the development. This, together with the area of communal use space proposed on the application site is considered to be adequate provision.

D. Access

Access to the site is proposed by way of an alteration to the existing access from the B3227 through Norton Fitzwarren. At the time of writing this report, the views of the County Highway Authority had not been received. In discussions with the County Highway Authority it has been indicated to the applicants that the visibility splay at the access as it is at present is unsuitable for the proposed development. Through consultation with the County Highway Authority, the applicants agreed that to achieve the appropriate visibility splays at the site entrance, some, if not all of the East End Cottage would have to be demolished. The proposal provides for the total demolition of East End Cottage in order to improve visibility in a westerly direction. Interim views of the County Highway Authority have been received and further views will be reported verbally.

E. Flood risk

A small part of the site at its southern end is within the flood plain of the Halse Water. However none of the proposed flats are within this area, it comprising access to the remainder of the park home site and car parking for the current development. The Environment Agency indicates that the flood risk standing advice provided by them should be used.

A number of letters of objection raise the question of occasional flooding of the B3227 at the entrance to the site. The applicants have agreed to provide a 375 mm diameter drain through the site. This will enable any floodwater from the B3227 to discharge into Norton Brook at the south of the site. Attenuation tanks will be provided as part of the development to handle surface water from the current development.

F. Visual amenity

The site is a brownfield site within an existing settlement. The site comprises a mixture of uses – part of a park home site and two existing dwellings of no great merit, together with various outbuildings and waste ground. The proposal will generally, therefore result in an improvement to the visual amenity of the area.

The previous planning application included some 3 storey development, which was considered inappropriate for the site. The current application provides for all two-storey buildings.

A number of the letters of objection and the Parish council raise concerns with regard to the proposed materials, in particular the use of black timber cladding. Black weatherboard cladding is a feature of the old industrial buildings in the village at the old cider factory. The use of this form of cladding on parts of the development is used to seek to reflect this vernacular elevational treatment. The Village Design Statement notes the use of the boarding on some of the old industrial buildings and considers that this feature could be incorporated into the new 'village centre'. The objections to the use of this material have been put to the applicants and their response is awaited.

G. Impact on adjacent dwellings

The previously submitted scheme was considered to be unacceptable partly because of its adverse impact on the amenity of the occupiers of adjacent dwellings. The current application in my view overcomes these previous objections by moving the proposed buildings further away from the boundaries with adjacent properties. The proposed buildings are now considered to be within normal planning standards. The proposal is therefore considered to be acceptable in this regard.

H. Parking

The proposal provides for a total of 38 parking spaces (including 8 spaces for disabled drivers). The Authority's parking standards for general residential development is for there to be no more than an average of 1.5 car parking

spaces per dwelling. However, Policy M4 states that a significant reduction in this average will be expected for elderly persons and single persons accommodation. Sheltered housing schemes such as this cater for elderly residents, many of whom do not own a car. Visits by family members, carers and medical staff tend to be at different times of the day reducing any possibility that there may be underprovision of parking. The applicants have been requested to cater for motorised buggies. The site is also close to the village shop and other facilities and there is a regular bus service along the B3227 which runs alongside the site. The proposed car parking provision is therefore considered to be acceptable for this site.

I. Wildlife

The proposal involves the demolition of 2 dwellings and outbuildings and consequently the Nature Conservation Officer has requested a protected species survey. This is covered by way of a condition.

J. Sustainability

The strategy contained within the Somerset Structure Plan Review encourages development to be focused upon the major towns in the County. Norton Fitzwarren is defined as an associated settlement of Taunton in the Taunton Deane Local Plan. The site is within the settlement limits of Norton Fitzwarren. In accordance with Taunton Deane Local Plan S1, the site is well located in terms of local facilities and public transport. The site is brownfield in nature. The redevelopment of this site removes the need to identify comparable amounts of housing land at greenfield locations. A condition is recommended requiring a wildlife survey.

K. Other Issues

Private rights of access and covenants and the internal layout of the proposed flats are not planning issues. The 'site of possible future community hall' is not part of the current application and should not have any bearing on the decision. Any future application for this facility should be treated on its merits at the time. There is no planning requirement for garaging to serve the development. No trees the subject of a Tree Preservation Order are proposed to be felled.

11.0 **CONCLUSION**

The site comprises brownfield land within the settlement limits. The principle of redevelopment is therefore considered to be acceptable. The site forms part of the Major Development Site at Norton Fitzwarren. I consider that the current scheme is a vast improvement on the previous application which was withdrawn. The proposal provides a high density form of development of a type for which the Parish Council has previously noted a need for. I consider that the proposal is acceptable and my recommendation is a favourable one.

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

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