

<b>Application Details</b>	
Application Reference Number:	38/21/0345
Application Type:	Full Planning Permission
Earliest decision date:	17 September 2021
Expiry Date	22 November 2021
Extension of time	29 July 2022
Decision Level	Committee
Description:	Demolition of 136 No. Woolaway homes and erection of 111 No. dwellings with associated works on land located between Dorchester Road and Lyngford Lane, Taunton
Site Address:	LAND LOCATED BETWEEN DORCHESTER ROAD AND LYNGFORD LANE, TAUNTON
Parish:	38
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	
Case Officer:	Mr G Clifford
Agent:	
Applicant:	SOMERSET WEST AND TAUNTON
Committee Date:	
Reason for reporting application to Committee	Chair referral

## **1. Recommendation**

1.1 That planning permission be GRANTED subject to conditions and a legal agreement to secure the maintenance of any off-site parking and street trees.

## **2. Executive Summary of key reasons for recommendation**

2.1 The proposal provides a suitable redevelopment of a brownfield site within the settlement limits of Taunton to provide replacement affordable housing. The development is not considered to harm the character and amenity of the area, residential amenity or wildlife, flood risk and highway safety. The benefits of the development are not considered to be outweighed by any adverse impacts and as the proposal complies with the development plan it is considered an acceptable scheme.

## **3. Planning Obligations and conditions and informatives**

3.1 Conditions (full text in appendix 1)

Time limit  
 Approved plans  
 Affordable housing  
 Water efficiency  
 Phased mitigation measures  
 Biodiversity management plan  
 Landscape and ecological management plan  
 NE licence  
 Bat mitigation  
 On site ecologist  
 Bat lighting  
 Biodiversity enhancement  
 Infiltration test  
 Drainage scheme  
 Maintenance  
 Road Condition survey  
 Cycle/footpath links  
 Materials  
 Obscure glazing

### 3.2 Informatives (bullet point only)

3.2.1 Proactive Statement and highways licence/stopping up order

### 3.3 Obligations

Legal agreement to secure the maintenance of any off-site parking and street trees.

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

The proposal is for the demolition of 136 No. Woolaway homes and erection of 111 new replacement dwellings with associated works on land located between Dorchester Road and Lyngford Lane. This is a full application for phase 2 of the scheme following the outline and detailed schemes approved by Members in November 2019.

### 4.2 Sites and surroundings

The site is an area of largely two storey concrete framed dwellings set along ten roads within an area north of the local shops at Priorswood. The area is approximately 6.44ha and comprises 136 residential properties and access is via existing highway infrastructure. There are no heritage assets impacted.

## **5. Planning (and enforcement) history**

Reference	Description	Decision	Date
-----------	-------------	----------	------

38/18/0467	Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton	Undetermined	
38/18/0465	Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton	CA	2/4/20

## 6. Environmental Impact Assessment

Not required.

## 7. Habitats Regulations Assessment

Not required as development is reducing numbers over the current situation and can be considered nutrient neutral and phosphates can be screened out - no increase in phosphates due to no significant change in wastewater output.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 27 August 2021

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 31 August 2021

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
SCC - TRANSPORT DEVELOPMENT GROUP	No objections subject to an agreement for a Travel plan and conditions to cover estate roads, cycle/footpath connections, surface water discharge, roads/turning spaces to base course level, a construction management plan, wheel cleaning,	See para 10.2.4

	condition survey, parking and ev charging	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - CHIEF EDUCATION OFFICER	No comment received	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - FLOOD RISK MANAGER	No objection but recommend drainage details be conditioned	See para 10.2.8
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - ECOLOGY	As this is a regeneration project and would not result in an increase in residences in Taunton I would consider there would be no significant net change in wastewater output from the proposed development. Therefore, a Habitats Regulations Assessment is not required. No objections provided the following conditions are applied: Phased development, Construction environmental management plan, Landscape and environmental management plan, bat licence, mitigation, bat lighting, biodiversity net gain,	See para 10.2.7
SOMERSET WILDLIFE TRUST	Support recommendations in section 5 of the assessment.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ENVIRONMENT AGENCY	No comment.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LANDSCAPE	I am content that the proposals are: consistent with the approved phase 1 scheme; comply with the outline; and reflect suitable landscape detailing.	Para 10.2.2
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESSEX WATER	No comment	

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	Comment on need for consultation at Building Regulation stage	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
POLICE ARCHITECTURAL LIAISON OFFICER	No objection	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEISURE DEVELOPMENT	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HOUSING ENABLING	<p>The proposed housing mix meets the existing demand and have been chosen to suit existing resident's needs and provides a balance for future residents as such the scheme is considered to meet the local need.</p> <p>The mix of affordable homes includes 1 x 3 bed and 2 x 4 bed wheelchair adapted houses built to Part M4 (3) of Building Regulations which will meet an identified housing need. The disabled specification requirements are to be submitted and agreed in writing with the Development Enabling Specialist.</p> <p>Service charges should reflect the necessity to keep these properties affordable.</p>	See 10.2.3
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HOUSING PROPERTY MANAGER	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>

WESTERN POWER DISTRIBUTION	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Environmental Health - all Areas including Housing Standards	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
OPEN SPACES MANAGER	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEISURE DEVELOPMENT	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NATIONAL GRID PLANT PROTECTION TEAM, BLOCK 1, FLOOR 2	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
TREE OFFICER	I would always advocate that space is found for larger/broader specimen trees where possible. The open space at Phase Cii is an opportunity for such a tree – eg oak. The currently-proposed trees would have more space to grow without obstruction if pulled away from the adjacent houses and road.	See 10.2.2
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
PLACEMAKING OFFICER	I think this proposal is a very well thought through scheme in all aspects of layout, house types, and materials. I have no issues in these regards.	Para 10.2.2
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	No comment	

Consultee	Comment	Officer comment
SCC - RIGHTS OF WAY	No comment	
Consultee	Comment	Officer comment
SOMERSET WASTE PARTNERSHIP	No comment	
Consultee	Comment	Officer comment
ASSET HOLDINGS MANAGER	No comment	
Consultee	Comment	Officer comment
Climate Change Officer	No comment	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

1 letter has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Overlooking and loss of privacy	See para 10.2.6
Support	Officer comment

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development

plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset Authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

- CP1 - Climate change,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP6 - Transport and accessibility,
- CP8 - Environment,
- DM1 - General requirements,
- SD1 - Presumption in favour of sustainable development,
- A1 - Parking Requirements,
- A2 - Travel Planning,
- D7 - Design quality,
- D8 - Safety,
- D9 - A Co-Ordinated Approach to Dev and Highway Plan,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- SP1 - Sustainable development locations,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

#### Neighbourhood plans:

N/a

#### 9.1 National Planning Policy Framework

Section 2 Achieving sustainable development

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows: the principle of development, design of the proposal, quality of accommodation, access, safety and parking, impact on the character of the locality, impact on residential amenity, impact on ecology and the Levels and Moors and flood risk and energy efficiency.

### **10.2.1 *The principle of development***

The site is an existing built up area within the town and as such is a brownfield site in a sustainable location for redevelopment in compliance with policy SP1 and the NPPF. The site is proposed for redevelopment for residential purposes and is considered acceptable in principle.

### **10.2.2 *Design of the proposal***

The site reflects the outline scheme which was the subject of praise from the Design Review Panel and site layout reflects the scheme previously considered. The scheme is a detailed one of two phases of the site, blocks B and C with demolition of block D. The latter is to enable the dwellings in the earlier phases to be constructed without falling foul of increased phosphate loading and the need for a HRA in relation to the Levels and Moors RAMSAR site.

The principle of the redevelopment has already been considered and supported by Members with the outline application 38/18/0467 in 2019. The illustrative designs were considered suitable and form the basis of this detailed full application and are not considered to be an overdevelopment of the site but a means of making the best use of available land. While the density of housing is increased the impact of this on the character of the area with potential increase of 44 units is not considered to be harmful and is supported in design terms

The materials will reflect those approved under the phase A scheme and each property has access to waste and recycling facilities as well as parking and cycle storage. The current scheme is supported by the Placemaking Officer and the layout as proposed has a significant number of new trees within the layout which will help with both shade and carbon reduction and the landscaping scheme submitted is supported by the Landscape Officer.

### **10.2.3 *Quality of Accommodation***

The development provides for 111 new homes including 19 flats, 4 bungalows, 38 x 2 bed properties, 35 x 3 bed, 14 x 4 bed and 1 x 5 bed. The properties will all be affordable and are considered by the Housing Enabling Officer to meet the needs of the area and include wheelchair adapted houses. A condition to secure the provision of this housing in perpetuity is considered appropriate.

#### **10.2.4 Access, Highway Safety and Parking Provision**

The Highway Authority (HA) raise no objection to the principle of the scheme and consider the development would not adversely impact on traffic in the area and would be capable of providing the appropriate level of car parking in line with policy. A travel plan is recommended by the Highway Authority, however it is considered that this is not reasonable given that the current scheme is providing less housing than currently exists. A Travel Plan would be a requirement of the next phase.

A suitable legal agreement will be required to deal with any works in the highway and to control future maintenance of any parking areas as well as trees in the highway. The indicative plan indicates a stopping up of parts of the highway and this process would need to be considered as part of any future stopping up order. The HA also proposes a number of other conditions which are not considered appropriate, necessary or enforceable. Conditions re details of estate roads is considered unnecessary as this would be covered by Highway legislation under s278 and the main routes already exist. Similarly a base course level link from the highway to any dwelling is considered unnecessary given the current situation. A construction management plan is not enforceable and the Highway Authority can control the state of the highway and a vehicle wash is also considered unnecessary.

A parking layout is shown on submitted drawings and the Highway Authority has yet to agree a standard EV charging point. In addition with regard to the latter the provision of such points becomes a requirement of the building Regulations after June 2022 so it is not considered necessary to condition an item required under other legislation. A condition survey of the highway prior to works is considered appropriate, as is details of drainage works in relation to the highway and details of cycle/footpath connections through the site. Informative notes re stopping up and retaining walls are added as requested.

#### **10.2.5 The impact on the character and appearance of the locality**

The proposed development is of a similar scale to the existing area and while the development will provide new more energy efficient dwellings, the impact of the scheme on the character of the locality is considered an acceptable one and there have been no objections on the design and character of the scheme.

#### **10.2.6 The impact on neighbouring residential amenity**

The scheme provides for a number of replacement dwellings which largely impact within the site. The properties towards the eastern boundary now partly face towards the Lyngford Lane boundary and are at a higher level than the lane. To a degree the impact of this is offset by existing vegetation along the lane and a distance of over 14m between rear elevations and nearby residential boundaries. The one letter of concern received relates to a first floor side window to plot 62, which is a window that serves a stairs. There would be no issue if this were fixed and obscure glazed and a condition to this affect is proposed which would overcome any overlooking and privacy issue.

### **10.2.7 *The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.***

An ecological assessment has been submitted with the application and there were impacts identified on protected species, specifically bats, and consequently mitigation measures are identified, otherwise the site is of limited ecological interest. An enhancement of habitats across the site is possible and conditions to address protection and enhancements are recommended by the County Ecologist and are included in the conditions list.

The application is located within the catchment of the Somerset Levels and Moors Ramsar site. However, the application is replacing and reducing the number of dwellings, therefore the proposed application, with associated low levels of Phosphate production, would not add to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore the County Ecologist considers a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

### **10.2.8 *Flood risk and energy efficiency***

The site is drained by an existing system in terms of foul and surface water drainage and new connections will need to be made. This will be covered by existing legislation. As part of the scheme a suitable means of surface water treatment is required and conditions to address this are recommended by the LLFA and are considered appropriate. The Environment Agency has raised no comment on the current submission.

The development constitutes a redevelopment of an existing estate due to faults within the concrete frame of the existing properties. The new houses are to adopt a fabric first approach to energy efficiency and will have high quality insulation to walls, floors and roofs and will have triple glazing. In addition air source heat pumps are proposed together with a heat recovery system to improve thermal efficiency.

### **10.2.9 *Any other matters***

The application site lies within easy walking distance of the existing public park to the south and the Leisure Officer previously considered that while there is no need for additional space on site, a contribution in terms of the potential to upgrade play equipment in the park was required due to the uplift in numbers of dwellings. As the current submission does not increase numbers it is considered the requirement for a contribution to upgrade facilities can be dealt with by a future detailed application for phase D. Consequently it is not considered an agreement to secure the necessary sum for improved play facilities needs to form part of the recommendation in this instance.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Proposed development measures approx. 10,712sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £750,000.00. With index linking this increases to approximately £1,064,750.00).

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

In the current situation where there is a shortfall in the 5 year housing supply in the Taunton area the tilted balance is engaged. In summary the principle of the redevelopment of the area as proposed is considered an acceptable one and not to harm the character and amenity of the area, residential amenity or wildlife, flood risk and highway safety. The benefits of the development are not considered to be outweighed by any adverse impacts and as the proposal complies with the development plan it is considered an acceptable scheme.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning conditions and Informatives

### Conditions

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: A.2201 Rev 3 Phases BDC Elevation 1 - Dorchester Road and Hereford Road

(A1) DrNo: A.2202 Rev 3 Phases BDC Elevation 2 - Rochester Road and Southampton Row

(A1) DrNo: A.2203 Rev 3 Phase BCD Elevation 3 - New Dover Road

(A1) DrNo: A.2204 Rev 3 Phase BCD Elevation 4 - Rochester Road

(A1) DrNo: A.2205 Rev 3 Phase BCD Elevation 5 - New Oxford Place & New Durham Place

(A3) DrNo: A.1210 Rev 3 Phases BCD 3 bed 5 person Narrow Fronted House Plans

(A3) DrNo: A.1211 Rev 3 Phases BCD 3 bed 5 person Wide Fronted House Plans - V1

(A3) DrNo: A.1212 Rev 3 Phases BCD 5 bed 7 person Corner House - Plans

(A3) DrNo: A.1213 Rev 3 Phases BCD 2 bed 4 person Narrow Fronted House Plans

(A3) DrNo: A.1214 Rev 3 Phases BCD 4 bed 6 person Wide House Plans - V1

(A3) DrNo: A.1215 Rev 3 Phases BCD 3 bed 6 person Chalet Plans

(A3) DrNo: A.1216 Rev 3 Phases BCD 3 bed 6 person Chalet Elevations

(A3) DrNo: A.1217 Rev 3 Phases BCD 1 bed 2 person FOG Plans

(A3) DrNo: A.1218 Rev 3 Phases BCD 2 bed 3 person FOG Plans

(A3) DrNo: A.1219 Rev 3 Phases BCD 2 bed 3 person FOG Elevations

(A3) DrNo: A.1220 Rev 3 Phases BCD Narrow Fronted Flat Block Plans

(A3) DrNo: A.1221 Rev 3 Phases BCD Narrow Fronted Flat Block Plans

(A3) DrNo: A.1222 Rev 3 Phases BCD 2 bed 4 person Chalet - Plans and Elevations

(A3) DrNo: A.1223 Rev 3 Phases BCD 4 bed 6 person Narrow House - Plans and Elevations

(A3) DrNo: A.1224 Rev 3 Phases BCD 2 bed 3 person Bungalow - Plans and Elevations

(A3) DrNo: A.1225 Rev 3 Phases BCD 4 bed 7 person Wheelchair House - Plans and Elevations

(A3) DrNo: A.1226 Rev 3 Phases BCD 2 bed 3 person and 1 bed 2 person Wide Flat Block - Plans

(A3) DrNo: A.1227 Rev 3 Phases BCD 2 bed 3 person and 1 bed 2 person Wide Flat Block - Elevations

(A3) DrNo: A.1228 Rev 3 Phases BCD 5 bed 7 person Corner House Elevations

(A3) DrNo: A.1229 Rev 3 Phases BCD 4 bed 6 person Wide Fronted House - V2

(A3) DrNo: A.1230 Rev 3 Phases BCD 4 bed 7 person Wheelchair House Elevations

(A3) DrNo: A.1231 Rev 3 Phases BCD 3 bed 5 person Wide Fronted House - V2

(A3) DrNo: A.1201 Rev 1 Phase BCD Location Plan

(A1) DrNo: A.1202 Rev 1 Phase BCD Existing Site Plan

(A1) DrNo: A.1203 Rev 7 Phase BCD Proposed Site Plan

(A1) DrNo: A.1204 Rev 3 Phase BCD Proposed Site Plan 1 to 500

(A1) DrNo: A.1205 Rev 1 Phase BCD Proposed Sub-phasing 1 to 500

(A1) DrNo: A.1206 Rev 1 Phase BCD Proposed Site Plan Coloured

(A1) DrNo: A.1207 Rev 1 Phase BCD Proposed Boundary Treatments

(A0) DrNo: TCP-2 Tree Constraints Plan

(A1) DrNo: 1939 A3 001 Detailed Planting Proposals Drawing 1 of 4

(A1) DrNo: 1939 A3 002 Detailed Planting Proposals Drawing 2 of 4

(A1) DrNo: 1939 A3 003 Detailed Planting Proposals Drawing 3 of 4

(A1) DrNo: 1939 A3 004 Detailed Planting Proposals Drawing 4 of 4

(A1) DrNo: 1939 A3 005 Landscape Specification and Details

(A1) DrNo: 1939 A3 006 Detailed Hard Landscape Details Plan 1 of 4

(A1) DrNo: 1939 A3 007 Detailed Hard Landscape Details Plan 2 of 4

(A1) DrNo: 1939 A3 008 Detailed Hard Landscape Details Plan 3 of 4

(A1) DrNo: 1939 A3 009 Detailed Hard Landscape Details Plan 4 of 4

(A1) DrNo: 105-1 Highway Construction Details - Sheet 1

(A1) DrNo: 102-1 Highway Construction Details Sheet 2

(A1) DrNo: 300-1 Phase B - D Drainage Strategy

(A0) DrNo: 301 Phase B - D Surface Water Discharge Rates

(A1) DrNo: 302-1 Phase B - D Engineering Appraisal

(A1) DrNo: 303 Phase B - D Vehicle Swept Parh Analysis Refuse Vehicle

(A1) DrNo: 304 Phase B - D Vehicle Swept Parh Analysis Bus Routes

(A1) DrNo: 305 Phase B - C Visibility Splays

(A1) DrNo: 307 Phase B - C Stopping Up Plans

(A1) DrNo: 308 Phase B - C Highways Works Adoption Plan

(A1) DrNo: 309 Phase A - D Highways Works - Combined Adoption and Stopping Up Plan

(A1) DrNo: 310 Phase A - D Existing Impermeable Areas

(A1) DrNo: 311 Phase A - D Proposed Impermeable Areas

(A1) DrNo: 312-1 Phase B - C Long Sections Sheet 1

(A1) DrNo: 312-2 Phase B - C Long Sections Sheet 2

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

3. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
  - i. the numbers, type, and location on the site of the affordable housing provision to be made;
  - ii. the timing of the construction of the affordable housing;
  - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2021 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing to ensure it meets the housing need in the area.

4. No individual dwelling hereby approved shall be occupied until:
  - (i) the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
  - (ii) a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane Core Strategy Policies DM5 and CP8, the Supplemental Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

5. No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:
  - (a) Bats;
  - (b) Badgers

(c) Reptiles

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and Policy CP8 of the Adopted Taunton Deane Core Strategy.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species ( badgers, bats, birds, reptiles), followed by appropriate mitigation, as required
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior of the development commencing. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

8. The works to demolish the buildings identified as bat roosts shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - a) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence.
  - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is in the interest of the strict protection of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

9. Provision shall be made for roosting bats. The location of and type of roost entrances will be set out in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>) A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

10. Works will not in any circumstances commence until:
- a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk.
  - b) bat boxes shall be made available to provide suitable alternative roosting location, and to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority.
  - c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Reason for pre-commencement: It is necessary to prevent harm to protected species.

11. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show

how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

12. A Biodiversity Enhancement Plan (BEP) for shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of construction works on each phase. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:
  - a) 1x Habitat 001 bat boxes or similar will be built into building structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter on 30x plots split across phases B, C and D.
  - b) 2x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation on 10x plots split across phases B, C and D.
  - c) 2x Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 10x plots split across phases B, C and D
  - d) 1x Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 30x plots split across phases B, C and D.
  - e) 1x bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of 30x plots split across phases B, C and D.
  - f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
  - g) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock including fruiting trees of local provenance.
  - h) The grassland areas of the site will be sown with a native species wildflower seed mix such as Emorsgate Flowering lawn mixture (EL1) or similar and managed appropriately.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

Reason for pre-commencement: To ensure no wildlife is harmed during construction.

13. Prior to the commencement of the development for phases B, C and D further infiltration testing in line with BRE365 must be undertaken to confirm the assumptions that infiltration to ground within phases B, C and D are not feasible methods of discharge groundwater.

Reason: To ensure the development is properly drained in accordance with the NPPF.

Reason for pre-commencement: It is necessary to prevent flood risk in the future.

14. No development shall be commenced on each individual phase until details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to prevent the control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

Reason for pre-commencement: It is necessary to prevent future flood risk.

15. No development or part of the development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

16. A Condition Survey of the existing public highway shall be carried out and issued to the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer with the agreement of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety.

Reason for pre-commencement: It is necessary to prevent possible damage to the highway during construction.

17. None of the dwellings hereby permitted shall be occupied until details of a network of cycleway and footpath connections within the development site and with appropriate links through the site boundary to the existing external network has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be constructed and be available for use and thereafter retained in accordance with a phasing strategy to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

18. The external finishes of the works hereby permitted shall match in material, colour, style, type, size, pointing, coursing, jointing, profile and texture those approved in Phase A and details of any variation thereto shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and area.

19. The first floor window to be installed in the gable elevation of the Plot 62 shall be obscured glazed and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of nearby residents.

#### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. The applicant will be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

The applicant should be aware that proposed works are sited on / partially on highway land and as such they will need to apply for a S247 Order to stop-up (remove highway rights) in relation to this land. Such an application will need to be made to the Secretary of State via the National Transport Casework Team, Department for Transport, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AH. Details about how to make this application can be found at [Highway stopping-up or diversion orders](#) | [Other permissions you may require](#) | [Planning Portal](#).

The applicant is further advised that such an application should be made after further consultation with the Highway Authority and the submission of the associated S278 / S38 applications to ensure that the details of the areas to be stopped up are agreeable to the Highway Authority and do not result in conflict with these other processes. On street EV charging points should be agreed with the Highway Authority.

Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining walls must be submitted to the District Council and subsequent approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls, which are wholly, or partly within 4 yards (3.7m) of a street and which is at any point of a greater height than 4'6" (1.37m) above the level of the ground at the boundary of the street nearest that point.)

