

| <b>Application Details</b>                       |   |
|--|---|
| Application Reference Number:                    | 38/21/0463  |
| Application Type:                                | Full Planning Permission  |
| Earliest decision date:                          | 17 March 2022   |
| Expiry Date                                      | 03 February 2022  |
| Extension of time                                | 30 September 2022   |
| Decision Level                                   |   |
| Description:                                     | Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton |
| Site Address:                                    | THE OXFORD INN, ROMAN ROAD, TAUNTON, TA1 2BN  |
| Parish:  | 38  |
| Conservation Area:                               | No  |
| Somerset Levels and Moors RAMSAR Catchment Area: | Yes   |
| AONB:  | No  |
| Case Officer:                                    | Mr G Clifford   |
| Agent:   |   |
| Applicant:                                       | SOMERSET WEST AND TAUNTON   |
| Committee Date:                                  |   |
| Reason for reporting application to Committee    | Committee as public interest due to Council application with phosphate solution   |

## **1. Recommendation**

1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections or new issues being raised by Natural England

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

2.1 The proposal is considered to safeguard residential amenity and to be reflective of the character of the area and will provide low energy affordable homes in compliance with policies CP1 and CP4.

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

### **3.1 Conditions (full text in appendix 1)**

Time limit of 3 years for commencement

Drawing numbers of approved plans

Materials to be agreed

Lighting details to be agreed

Bird protection requirements

Biodiversity enhancement requirements  
 Water consumption limitations  
 Affordable housing provision details to be agreed  
 Flats to be demolished prior to occupation of new building permitted  
 Visibility splays to be kept unobstructed  
 Disposal of surface water to be agreed  
 Obscure glazing to be provided in second floor, east elevation  
 Balcony screen detail to be agreed  
 Boundary wall retention on east of site

### 3.2 Informatives (bullet point only)

3.2.1 Proactive Statement, bat and badger informatives and highway licence.

### 3.3 Obligations

None

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

The proposal is to demolish the disused Oxford Inn pub and adjacent garage block and erect a pair of semi-detached properties as well as a three storey block of flats providing 4 x 1 bed and 2 x 2 bed units. Parking bin and bicycle storage is provided and the submission includes an ecological assessment and a phosphate mitigation strategy. The Design and Access Statement also includes a viability assessment of the existing public house.

### 4.2 Sites and surroundings

The site currently consists of a disused public house that is L-shaped and a two storey brick structure on the corner of Outer Circle and Roman Road. There is a single storey addition to the eastern side and a block of single garages to the east with the surroundings largely hard surfaced. The site lies within a residential area with dwellings adjacent to the east and north.

## 5. Planning (and enforcement) history

| Reference | Description | Decision | Date |
|-----------|-------------|----------|------|
| None      |             |          |      |
|           |             |          |      |

## 6. Environmental Impact Assessment

Not required

## 7. Habitats Regulations Assessment

The site lies within the catchment of the Somerset Levels and Moors Ramsar site. Natural England has advised the Council that, in determining applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a

project level appropriate assessment where a likely significant effect cannot be ruled out.

While the site lies within the Somerset Levels and Moors catchment area and will drain to the existing foul sewer, the intention is to demolish existing flats elsewhere in town and so the development can be considered nutrient neutral, subject to a suitable grampian condition. This approach has been agreed by Natural England.

## 8. Consultation and Representations

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

8.1 Date of consultation: 10 December 2021

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 18 January 2022

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

| <b>Consultee</b>                  | <b>Comment</b>   | <b>Officer comment</b> |
|-----------------------------------|--|------------------------|
| SCC - ECOLOGY                     | To comply with policy and legislation please add conditions re bat lighting, bird protection, biodiversity enhancement and notes re bats, badgers  | See para 10.2.7        |
|                                   |  |                        |
| <b>Consultee</b>                  | <b>Comment</b>   | <b>Officer comment</b> |
| SCC - RIGHTS OF WAY               | No comment   |                        |
|                                   |  |                        |
| <b>Consultee</b>                  | <b>Comment</b>   | <b>Officer comment</b> |
| SCC - TRANSPORT DEVELOPMENT GROUP | No objection although concern raised over loss of parking and suggested conditions re visibility, parking, disposal of surface water, covered cycle and EV charging points. Note re highway licence. | See para 10.2.4        |
|                                   |  |                        |
| <b>Consultee</b>                  | <b>Comment</b>   | <b>Officer comment</b> |
| WESSEX WATER                      | No objection - there must be no surface water connections to the foul sewer.   |                        |
|                                   |  |                        |
| <b>Consultee</b>                  | <b>Comment</b>   | <b>Officer comment</b> |

|   |   |   |
|---|---|---|
| LANDSCAPE   | The landscape proposals are comprehensive and suitable  | See para 10.2.7   |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| POLICE ARCHITECTURAL LIAISON OFFICER              | No objection - concern over location of cycle/mobility stores   | See para 10.2.2   |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE | Means of escape in case of fire should comply with the Building Regulations 2000 and access and facilities should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.   | Compliance with the Building Regulations is not a planning issue. |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| SOUTH WESTERN AMBULANCE SERVICE                   | No comment received   |   |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| SOMERSET WASTE PARTNERSHIP                        | No comment received   |   |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| TREE OFFICER                                      | No objection  |   |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |
| HOUSING ENABLING                                  | <p>This site is delivering 100% net zero carbon affordable housing and has been designed to meet the requirements of Building Regulations Part M, Category 2: Accessible and adaptable dwellings.</p> <p>Taunton has a significant housing need across all house sizes, tenures and type. The proposed unit mix of 4 x 1bed 2 person flats, 2 x 2bed 3 person flats and 2 x 2bed 4 person houses for Affordable Rent will meet the demonstrated need of the area.</p> | See para 10.2.10  |
|   |   |   |
| <b>Consultee</b>                                  | <b>Comment</b>  | <b>Officer comment</b>  |

|   |   |                 |
|---|---|-----------------|
| NATURAL ENGLAND,<br>CONSULTATION<br>SERVICE | The mitigation proposed in the submitted <i>Updated Phosphate Mitigation Strategy (15/08/2022)</i> will be sufficient to achieve nutrient neutrality for the proposed development. The Strategy provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Ramsar Site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site. | See para 10.2.7 |
|   |   |                 |
|   |   |                 |
|   |   |                 |

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.

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

| Material Planning Considerations                  |                 |
|---|-----------------|
| Objections  | Officer Comment |
| Concern over boundary treatment<br>amenity impact | see para 10.2.6 |
| overlooking/loss of privacy                       | 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:

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- CP1 - Climate change,
- CP4 - Housing,
- CP8 - Environment,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,
- A1 - Parking Requirements,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- D7 - Design quality,
- D8 - Safety,
- ENV2 - Tree planting within new developments,
- I4 - Water infrastructure,

SWT published the 2022 SHELAA in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).

As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and

taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS. The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that Presumption would not apply.

#### 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

Sections 2, 4, 5, 8, 11, 12, 14 and 15

### **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

#### 10.2.1 The principle of development

The proposal involves a redevelopment of a brownfield site within the built up area of the town, a sustainable location in accordance with Policy SP1, and in principle is considered acceptable subject to compliance with other plan policies.

#### 10.2.2 Design of the proposal

The proposal is for a pair of semi-detached properties and a block of 3 storey flats on the corner with Roman Road and Outer Circle. The flats are proposed in brick with a flat roof enabling solar panel provision on the roof and the semis also have a modified hipped roof to enable solar panels. While the three storey flat roof form is at odds with the semi-detached properties in the vicinity, it reflects the overall scale of the nearby buildings and addresses this corner site while maintaining the vertical emphasis of building form. This is reflective of the recently adopted Design Guide and a condition is proposed to ensure the final materials reflect the character of the area. The cycle and bin storage is designed into the scheme and for the flats this utilises an existing garage space to reduce demolition and enable reuse of materials rather than new build. This means the site is outside the private garden of the flats and while the Crime Design Adviser raises concern over this it is considered secure and is considered an acceptable alternative given the zero carbon ambitions of the scheme.

#### 10.2.3 Quality of Accommodation

The accommodation meets the minimum standard requirements of policy D10 and the two storey dwellings provide two bedrooms and a bathroom upstairs and a living/dining room, toilet, kitchen, hall and storage space, including cycle store within the porch downstairs. Externally there is private garden space, bin storage and parking space and the provisions are considered to comply with the requirements of policy D12 concerning amenity space. The flats also meet the required space standards and have access to private balconies and external shared garden space to comply with policy.

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

The proposal provides an off road parking space for each dwelling plus 3 parking spaces, mobility scooter store and cycle storage for the flats. The scheme results in the loss of 5 garage spaces and while there is a net loss, this is considered in line with on road availability and the character and nature of the area given the accessibility of the site and to be in compliance with the policy requirements set out in A1 of the Site Allocations and Development Management Plan. The Highway Authority has raised no objection to the scheme but has recommended a number of conditions. It is proposed to condition visibility and disposal of surface water to prevent discharge to the highway as these are beneficial to highway safety. The provision of the car and cycle parking are designed into the scheme and so it is not considered necessary to condition, while the provision of EV charging points is now a requirement of Building Regulations and so it is not considered necessary to secure by condition. A note with regard to requiring a highway licence is proposed as requested.

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

The scheme provides a residential development largely in keeping with the scale, form and character of the area. The development is considered to comply with policies CP1, CP4, DM1, DM4 and DM5 of the Core Strategy in providing zero carbon energy efficient homes in a sustainable location. The height of the scheme reflects the height of existing dwellings, although the roofs are modified to allow for photo voltaic (pv) panels on the roofs to ensure energy efficiency.

#### 10.2.6 The impact on neighbouring residential amenity

The proposal provides a pair of new dwellings and a three storey block of flats. The new dwellings retain window to window distances and are not considered to harm privacy or amenity of existing dwellings. 1 letter of concern has been raised in respect of the impact on amenity and privacy as a result of the flats. To address this it is proposed to retain the existing wall boundary of the garages to be demolished which will retain the amenity, privacy and safety of the neighbour to the east. In addition the windows at second floor level are to be obscure glazed and limited opening to prevent overlooking and this will be conditioned as will an obscure screen to the side of the balcony.

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

There are no trees on the site affected by the development and no adverse ecology impact identified as a result of the demolition. The new scheme will provide a comprehensive landscaping scheme which will be an enhancement as will the



biodiversity gains recommended by the ecologist and conditioned as part of the proposal. This includes bat and bird boxes, a swift box and bee bricks. This is considered in line with policies CP8 and ENV2. The development will drain to existing sewers and the revised phosphate mitigation strategy to secure a nutrient neutral scheme proposes demolition of flats elsewhere in the town to compensate for the new build here. This can be secured through a grampian condition and Natural England are supportive of this approach.

#### 10.2.8 Waste/Recycling facilities

The provision for waste storage is provided for in bespoke storage areas at the front of the two dwellings and within a specific store area to the east of the flats.

#### 10.2.9 Flood risk and energy efficiency

The site lies within flood zone 1 and the development will not increase the flood risk in the area. The development is one of a number of schemes on Council land designed to address the climate emergency. The zero carbon affordable housing project was established to address the commitment set out in the Carbon Neutrality and Climate Resilience Plan Framework Document. The development will attempt to keep embodied carbon levels to a minimum by using recycled materials where possible and plan for disassembly at end of life. Zero carbon design relies on passive solar design, air tightness and improved insulation standards. Mechanical ventilation and heat recovery will allow occupants to maintain internal comfort and clean air while reducing the need to waste energy on space heating. The proposal aims to provide 100% of energy demand on site through renewable means; roof mounted pv panels in this instance thus meeting the requirements of policy DM5.

#### 10.2.10 Any other matters

The proposal involves the demolition of the existing pub which in this instance is not recognised as a community asset. An assessment has been made in terms of the cost of refurbishing the building and to the future viability of it being retained as a public house. However given the current economic climate it is not considered to be viable and this together with the availability of other facilities, it is considered that the best option is provision for needed affordable housing. The latter is supported by the Housing Enabling Officer and a condition is imposed to secure this.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Proposed development measures approx. 595sqm.

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 £41,750.00. With index linking this increases to approximately £59,250.00.

## 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. The scheme will provide needed new affordable home in a sustainable location and will provide jobs in the construction process. The development is considered to meet the policy requirements of the development plan and the provision of conditions can address the local concern raised in terms of amenity impacts and the benefits of the scheme are considered to outweigh any limited negatives.

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/ Reason/s for refusal

### 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: 154511-STL-06-XX-SH-A-XXXX-07601 Rev PL\_PL01  
Accommodation Schedule

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02602 Rev PL\_PL03 Site  
Elevations

(A0) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02611 Rev PL\_PL04 Flat  
Elevations

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03601 Rev PL\_PL01 House  
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03602 Rev PL\_PL03 Site  
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03611 Rev PL\_PL01 Flat  
Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-06601 Rev PL\_PL04 3D  
Visualisations

(A1) DrNo: 142926-C.02 Rev P4 Engineering Layout

(A1) DrNo STL-06-00-DR-A-XXXX-00602 Rev PL\_PL03 GA Roof Plan

(A1) DrNo STL-06-00-DR-A-XXXX-01601 Rev PL\_PL03 Ground Floor Plan -  
Flats

(A1) DrNo STL-06-00-DR-A-XXXX-D1601 Rev PL\_PL03 Demolition Plan

(A1) DrNo STL-06-00-DR-A-E0601 Rev PL\_PL02 Site Location Plan

(A1) DrNo STL-06-00-DR-A-E1601 Rev PL\_PL02 Existing Site Plan

(A1) DrNo STL-06-01-DR-A-01605 Rev PL\_PL02 First Floor Plan - Houses

(A1) DrNo STL-06-XX-DR-A-XXX-03621 Rev PL\_PL03 Bike

Storage/Recycling and Retained Garage

(A1) DrNo STL-06-ZZ-DR-A-XXXX-00601 Rev PL\_PL03 GA Site Plan

(A1) DrNo STL-06-ZZ-DR-A-XXXX-01602 Rev PL\_PL03 Upper Floor Plan -  
Flats

(A1) DrNo STL-06-ZZ-DR-A-02601 Rev PL\_PL02 House Elevations

(A1) DrNo STL-XX-XX-DR-A-00701 Rev PL\_PL02 2B4P (A) House Type Plan  
& Elevations

(A1) DrNo STL-XX-ZZ-DR-A-00705 Rev PL\_PL02 Bin Store Elevations

(A3) DrNo M16-0002 PSMN-2\_LHH\_PLS+FB\_EU Unit Dimensions  
(A3) DrNo M16-0002 PSMN-2\_LHH\_PLS+FB\_EU Foundation Pads  
(A3) DrNo M16-0002 PSMN-2\_LHH\_PLS+FB\_EU Foundation Slab

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

3. Prior to the construction of the buildings above dpc and notwithstanding the submitted plans, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. 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.

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

6. The following will be integrated into the design of the proposal
- A) 2x Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.
  - B) 4x Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of the building or onto trees and maintained thereafter.
  - C) 5x bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of the building and maintained thereafter.
  - D) A 3x 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 and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

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.

7. 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][West Somerset: Local Plan to 2032 Policy CC5 and NH6] [the Supplemental Planning Document - Districtwide Deign Guide] and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

8. 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.

9. No occupation of the new buildings hereby approved shall take place until the demolition of the flats identified in the Phosphate Mitigation strategy takes place.

Reason: To safeguard phosphate levels in the Somerset Levels and Moors Ramsar site and protect habitat as required under policy CP8 of the Taunton Deane Core Strategy.

10. With the exception of the bin stores there shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the development is first brought into use and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

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

Reason: In the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the second floor windows to be installed in the east elevation of the flats shall be obscured glazed and limited opening. The type of obscure glazing and details of the limited opening shall be submitted to and agreed in writing by the Local Planning Authority prior to the windows installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

13. Details of an obscure screen to a minimum height of 1.7m on the east side of the eastern most balconies shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

Reason: To protect the amenities of adjoining residents.

14. The boundary wall to the east of the site with the neighbour shall be retained as existing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and security of the area.

#### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop

until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

4. 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.