Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in St Andrew's Church Hall, St Andrew's Road, Taunton on 25 November 2009 at 18:15.

Agenda

1 Apologies.

2 Public Question Time.

3 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.

4 05/07/005
Residential Development of 7.65 ha together with open space provision and access on land west of Bishops Hull Road, Bishops Hull as amended by letter dated 19 February 2008 and accompanying details, further amended by letter and plans dated 21 February 2008 and further amended by addendum to Design and Access Statement and illustrative plans received 15 May 2008 as amplified by email dated 9 June 2008 and accompanying Drainage Report and amended by Transport Assessment received 22 June 2009 and amended by Plan Figure 12B received 8 September 2009 and amplified by letters dated 24 August 2009 and 26 August 2009 and attached illustrative Plan 12C. Report of the Growth and Development Manager (attached - yellow papers).

A copy of the report considered by the Planning Committee at its meeting on 23 September 2009 is also included (white papers).

Tonya Meers
Legal and Democratic Services Manager

18 December 2009

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk

 Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.

 An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor K Durdan
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor R Bowrah, BEM - Mayor
Councillor J Allgrove
Councillor C Hill
Councillor S Brooks
Councillor G Copley
Councillor P Critchard
Councillor L James
Councillor T McMahon
Councillor N Court

Taunton Deane Borough Council

Planning Committee – 25 November 2009

Report of the Growth and Development Manager

Residential Development of 7.65 ha together with open space provision and access on land west of Bishops Hull Road, Bishops Hull as amended by letter dated 19 February 2008 and accompanying details, further amended by letter and plans dated 21 February 2008 and further amended by addendum to Design and Access Statement and illustrative plans received 15 May 2008 as amplified by email dated 9 June 2008 and accompanying Drainage Report and amended by Transport Assessment received 22 June 2009 and amended by Plan Figure 12B received 8 September 2009 and amplified by letters dated 24 August 2009 and 26 August 2009 and attached illustrative Plan 12C

Members will recall the above proposal was deferred from the Planning Committee meeting on 23 September for further consideration to take place between the Highway Authority and the Developer on the transport and highway issues raised following the discussions of the meeting.

The Developer has submitted a revision to the Transport Assessment which updates the previous submission and outlines the site history and previous discussion and addendums.

Background

The site was considered as long ago as 1996 when discussion took place with the County Council over the transport impacts. Transport Assessments were carried out in 1996 and 1997 and further evidence produced in 2002 for the Taunton Deane Local Plan Inquiry. During this later process the provision of a roundabout was considered and ruled out due to gradients and the nature of the approach roads.

The Inspector's Report in 2004 recommended that the site be included in the Council's further considerations and this was subject to the improvements to facilitate access to the development from the local road network, including a new traffic signal junction at Wellington New Road/Bishops Hull Road cross roads to improve facilities for cyclists and to form a one way egress southbound on to the A38. The agreement also referred to improvements to the Silk Mills Road/Waterfield Drive junction to accommodate right turning traffic from Silk Mills Road and also suitable traffic calming measures through Bishops Hull village to discourage the route being used.

Discussion regarding the current application began in 2005 and further discussions with the County Council in 2007 regarding a draft TA concluded that the recent improvements to the Bishops Hull Hill junction did not warrant further improvements or alterations. The alteration previously agreed concerning the turning lane from Silk Mills Road into Waterfield Drive was agreed to be no longer required following major improvements to Silk Mills Road as part of the North West Taunton Package.

Proposed Development

The planning application was submitted with a revised TA and this included the signalisation of the A38 junction. However it was concluded by the County Council that the traffic signals proposed would not be suitable due to concerns over additional congestion that signals may generate. It was the County Council's opinion that the local preference was to keep all traffic movements the same at the A38/Bishops Hull Road/Comeytrowe Lane junction and to provide a footway along Bishops Hull Road to improve safety. However further consultation resulted in the junction not remaining signalised but turns into Bishops Hull Road being prohibited. The junction priority remains unchanged from the amended scheme.

The development proposes a footway within the site and footway on highway land beyond the site linking it to Bishops Hull Road/A38 crossroads. This allows easily accessible walking to both facilities in the village and the bus stops on the main road. The Highway Authority confirm that the land required to achieve this is adopted highway.

The application site lies on a cycle route and the County Council require works to the Bishops Hull/A38 crossroads which will enhance crossing facilities for bicycles by allowing a more controlled and clearly defined crossing layout. There are considered to be adequate cycle links to the town centre, schools and employment areas

Bus stops at Waterfield Drive and Wellington Road are easily accessible and services 3, 22 and 22A serve the area. There are 8 services in the AM peak going into town and 6 services in the PM peak in the opposite direction. The scheme will include a contribution of £457,000 to improve the bus service 3 to a half hourly service. In addition the Travel Plan will provide a Travel Voucher worth £300 issued to each dwelling as a contribution to alternative modes of travel.

The Travel Plan will aim to minimise the need for car travel and will include a Welcome Pack detailing information on available modes of transport and accessibility to local facilities. This will include links to the SCC car share database, public transport timetables, walking and cycle networks and information on local facilities and leisure activities. The target of the Travel Plan is to reduce the number of single occupancy car journeys made by residents of the development. This will be monitored by future surveys and traffic counts. In addition it is proposed to include a speed survey outside the site entrance to monitor traffic speed and the benefits of the existing traffic calming measures. If the survey work identifies the need for interventions these will need to be discussed and agreed with Somerset County Council.

The access into the site is off a priority junction off Bishops Hull Road with an emergency access off the northern end of the development, close to the village and the access has been agreed with the County Council that this is the most appropriate form of junction for the site. The Highway Authority is satisfied with the trip generation and distribution information supplied in the TA. The information reviewed identified that the Bishops Hull Road/A38 junction, Waterfield Drive/Silk Mills Road junction and Bishops Hull Hill/Silk Mills Road junction all operate below capacity in 2018 with development traffic applied. The Silk Mills roundabout has existing capacity problems and recent improvements have made best use of the available land and space and so capacity issues will still remain. Any further development in the area without significant emphasis in reducing the need to travel by car will exacerbate the existing situation. The proposed transport strategy and travel plan address this issue.

Objections

Parish Council - Although it was drawn to the attention of the committee that sections of the existing Bishops Hull Road is only 5.4 metres wide (0.65 metre verge and 4.75 m carriageway) we were prevented from referring to Design Bulletin 32 (The Layout of Residential Roads and Footpaths) which clearly requires a carriageway width of 5.5 metres when there is direct access to dwellings. There is also a requirement for footways to be 2 metre wide when more than 50 dwellings are served and this is particularly important when there is also to be a provision for cycles. In view of the importance placed on the sustainability aspects of the site it is apparent that a carriageway and footway width of 7.5 metres (2.1 metres more than that available) is the minimum requirement. It is not just the concerns of the local residents that Persimmon can not meet but also the minimum requirements of the relevant design standard. The provision of sub-standard facilities will not encourage walking and cycling. Since the meeting of the planning committee the Parish Council has received a consultation document 'Future Transport Strategy 2009-2026' and is concerned to note that this includes major highway and junction improvements and other proposals:

1) Enlargement of the existing Silk Mills Park and Ride site from 600 to 1000 vehicles

2) Improved public transport access from the Park and Ride site to Mountway Road.

3) A new or improved bus priority from the possible Comeytrowe development to Taunton.

4) Schemes for bus improvements including one from the A38 Stonegallows Cross Roads to Somerset College.

5) Signalisation schemes for both the A38 Silk Mills/Wellington Road and the A358 at Cross Keys

Although the Traffic Assessment provided is for a similar time period to the consultation none of these proposals has been considered and they will have a significant impact on traffic in the area. This is a further inadequacy in the Traffic Assessment which has already been shown to be inaccurate with 30% of the traffic leaving one junction failing to reach the next one.

However, the most significant relevant junction improvement in the Consultation document is the signalisation of the A38 Stonegallows Cross Roads. This is the very same proposal that was included in the original application for development but rejected by SCC Highways because it would result in significant additional congestion.

It is obvious from the above that the present proposals are inadequate, do not comply with the relevant design criteria, that the Traffic Assessment is inaccurate and does not consider considerable future proposals for improvement and modification of the highway network which are relevant. Therefore the application, which does not include the measures accepted by the Inspector into the TDBC Local plan as essential, should be refused.

Local Objections - Local resident letter advising that notice should be served under the GDPO 1995 as the application affects their land and therefore the application is deficient.
A further resident objection in terms of concerns over road infrastructure and delivery vehicles and customers to businesses being greatly inconvenienced. The core of the village would be gridlocked

for longer and if traffic increases past the school it will endanger children. If approved, signage directing customers to the core of the village will be sought.
Residents Group - The current situation would not have been supported by the Planning Inspector for further consideration and in view of the lack of detail and unseen technical and safety audit the development should not be approved. 40% of the school role live outside the village and so use cars. The village does not have adequate community facilities or local jobs as set out in sections 4.24-4.26 of our consultants report. The verges in Bishops Hull Road are maintained by residents and the land belongs to them.

SCC Transport Development

With respect to the above planning application I write to update you upon this Authority's position. We have as you know and as directed by Committee been undertaking further consultations with the developer to review the proposals. The applicant has submitted a revised traffic assessment which incorporates the amendments discussed at our meeting of 26th October. Notwithstanding the above the recommendation of the Highway Authority remains as detailed to you in the formal observations of 3rd August 2009 (which still stand) and as updated to you on 18th September 2009.

In summary the proposed highway improvements are considered acceptable in principle and I do not wish to recommend refusal of this application subject to the previously requested conditions and subject to the applicant entering into a Section 106 Agreement to secure the provisions previously requested.

Conclusion

The proposed development is in a sustainable location and the highway works proposed will assist in addressing safety concerns and will not have a significant impact on the local highway network. They will also assist in the promotion of sustainable travel. The Highway Authority support the proposals and the granting of outline planning permission is therefore recommended subject to the Section 106 requirements and conditions outlined in the earlier report (attached).

05/07/0057

PERSIMMON HOMES (SOUTH WEST)

RESIDENTIAL DEVELOPMENT OF 7.65 HA TOGETHER WITH OPEN SPACE PROVISION AND ACCESS ON LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL AS AMENDED BY LETTER DATED 19 FEBRUARY 2008 AND ACCOMPANYING DETAILS, FURTHER AMENDED BY LETTER AND PLANS DATED 21 FEBRUARY 2008 AND FURTHER AMENDED BY ADDENDUM TO DESIGN AND ACCESS STATEMENT AND ILLUSTRATIVE PLANS RECEIVED 15 MAY 2008 AS AMPLIFIED BY EMAIL DATED 9 JUNE 2008 AND ACCOMPANYING DRAINAGE REPORT AND AMENDED BY TRANSPORT ASSESSMENT RECEIVED 22 JUNE 2009 AND AMENDED BY PLAN FIGURE 12B RECEIVED 8 SEPTEMBER 2009 AND AMPLIFIED BY LETTERS DATED 24 AUGUST 2009 AND 26 AUGUST 2009 AND ATTACHED ILLUSTRATIVE PLAN

320283.124345 Outline Planning Permission

1.0 RECOMMENDATION

Subject to :_

(i) referral to the Government Office as a Departure and
(ii) the applicant entering into a Section 106 Agreement to provide for the following:

A commuted sum for the provision of open space, hedgerows and play area maintenance and the submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges ponds and surface water attenuation areas, detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species and measures for the enhancement of biodiversity,

A commuted sum of £1023 per dwelling for sport/playing pitch provision,

An affordable housing provision of 35% on the basis of these being 50% social rented, 25% shared ownership and 25% low cost open market,

A contribution of £186,120 towards the provision of a community hall facility in the village to be returned if a suitable project cannot be identified,

The provision of a contribution of £115,000 to the reinforcement of off-site water supply facilities,

The provision of a commuted sum for the maintenance for the surface water control and attenuation device,

An education contribution that equates to £15,531 for each additional secondary school place required to be provided,

The provision of off site highway works including improvements on the A38 at Bishops Hull crossroads, including an enhanced Right Turn Lane together with a prohibition of Entry Order into Bishops Hull Road to enable a footway to be provided along the western side, the design to be determined prior to commencement, and the provision of footways to link the site to both Bishops Hull village and Waterfield Drive and on to Bishops Hull Crossroads. An assessment of the existing traffic calming and if appropriate carry out alterations to facilitate a reduction in speed.

The production and implementation of a residential travel plan to provide sustainable transport measures in the vicinity. This to include the enhancement of the local shuttle service 3 to half hour frequency. The provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling for a five-year period.

The Place Development Manager in consultation with the Chair/Vice Chair be authorised to determine Permission be granted subject to the following conditions :

1. Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.

2. Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.

3. Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
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.

4. Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority, and the development of the estate shall not proceed other than in accordance with the approved programme.
Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner.

5. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with the provisions of Section 51 of the Planning and

Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

6. No development shall be commenced until a scheme for the provision of surface water drainage works, including attenuation to the 1 in 2 year Greenfield runoff has been submitted to and approved in writing by the Local Planning Authority. The drainage and attenuation works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding in accordance with PPS25 by ensuring the provision of a satisfactory means of surface water disposal.

7. No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the development scheme.
Reason: To ensure the works provide the necessary mitigation against flooding for the lifetime of the proposed development in accordance with PPS25.

8. No development approved by this permission shall be commenced until a scheme preventing the retained water in the pond from flooding the existing garden located north east of the pond. This must be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with PPS25.

9. 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.
Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

10. Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. 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 as may be approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

11. Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
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.

12. Details of the hedges and trees to be retained on site shall be submitted to and approved in writing by the Local Planning Authority and the hedges so identified shall thereafter be retained and not removed or lowered in any way without the prior written approval of the Local Planning Authority.
Reason: To safeguard the existing trees and hedges and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.

13. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
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.

14. 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.
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.

15. Public open space shall be provided in accordance with the Local Planning Authority's approved standards and detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority at a timescale to be agreed in writing by the Local Planning Authority.
Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

16. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.
Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

17. No development shall take place until details of a scheme for the retention of the badger sett(s), including the establishment of a 30 m exclusion zone around which all building, engineering and other operations and all vehicles and personnel working on the site should be excluded, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the means of fencing off the exclusion zone (and restoration of the area around the exclusion zone within three months of completion of the development). The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as

approved in writing by the Local Planning Authority.
Reason: To protect the badger sett(s) from damage or disturbance during development operations bearing in mind the animal and its sett are specially protected through the Protection of Badgers Act 1992.

18. No construction work shall commence on site until details of a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
Reason: In the interests of sustainable development and the prudent use of natural resources in accordance with PPS1.

19. No dwelling construction work shall commence on site until details of a scheme of energy efficiency measures and sustainable construction have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
Reason: In the interests of sustainable development and the prudent use of natural resources in accordance with PPS1.

20. 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.
Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

21. Details of the noise levels for any pumping station to be provided on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed.
Reason: In the interest of the amenity of neighbouring properties in accordance with policy S1.

22. Details of siting and design of any electricity substation required to serve the site shall be submitted to and approved in writing by the Local Planning Authority prior to work on its provision commencing.
Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

23. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works involving both a phased evaluation (earthwork survey, geophysical survey) and appropriate mitigation (excavation) in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

24. Details of the restoration of the ponds on the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the work commencing and shall include details of any planting which shall thereafter be carried out.
Reason: To maintain habitat and protect biodiversity in accordance with PPS9.

25. Details of any street lighting or any exterior lighting to be installed adjacent to or within the public open space or next to public rights of way shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be installed as agreed.
Reason: In the interests of preventing light pollution and to protect wildlife habitat in accordance with Taunton Deane Local Plan policy EN34.

26. The development hereby permitted shall not be commenced until a further wildlife survey is carried out to support the provision of the ecological management plan and shall be agreed in writing by the Local Planning Authority.
Reason: To maintain habitat and protect legally protected species in accordance with PPS9.

27. Visibility splays of 2.4m x 43m in both directions shall be provided at the point of access to Bishops Hull Road prior to occupation of any dwelling and there shall be no obstruction within the splays in excess of 300mm unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

28. A 2m wide footway along the whole site frontage in a specific location to be agreed in writing with the Local Planning Authority shall be provided prior to the occupation of any dwelling.
Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

29. No development shall take place until the scheme for the alterations of Bishops Hull crossroads shall have been agreed in writing with the Local Planning Authority.
Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

30. No dwelling shall be occupied until the junction works agreed at the Bishops Hull crossroads shall be constructed and opened to traffic.
Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

31. 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, emergency access barriers, 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.
Reason: To ensure 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.

32. The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure 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.

33. A wheel wash facility for construction vehicles shall be provided within the site and employed on vehicles leaving the site.
Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

34. The hours of working on site during construction shall be restricted to 08:00hrs - 18:00hrs Monday to Friday and 08:00hrs – 13:00hrs on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.
Reason: To ensure the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to the Taunton Deane Local plan policy S1(E).

NOTES TO APPLICANT:

1. The ecological management plan should be based upon the recommendations in the Extended Phase 1 Survey by Michael Woods Associates dated September 2007. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation.

2. You are advised of the need to maintain the public right of way of footpath T3/18 and you should contact the County Council Rights of Way section to discuss any works affecting the route.

3. No approval is hereby given to the indicative site layout and details of the children's play area needs to be re-sited away from the pond.

4. We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit www.planningportal.gov.uk/uploads/code for sust homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

5. Water availability is limited in the south west even though both Wessex Water and Bristol Water are deemed to be at a low level of water stress. Further abstraction from current licences or the development of new sources could have a local impact on the environment and exacerbate current low flow issues. We therefore strongly

encourage the efficient use of all water to minimise the need for further abstraction, especially with the unknown influences of climate change. Water efficiency measures incorporated into this scheme would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by the Planning Inspectorate (North Dorset District Council Public Inquiry, APP/N1215/1191202 & APP/N1215/1191206, decisions dated 12 February 2007). The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would strongly encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d. This code gives guidance on how this could be achieved and includes fitting devices such as 6/4 dual flush toilets, flow reducing/aeration taps, 6-9 litre/minute shower, smaller shaped bath, 18 ltr maximum volume dishwasher and 60 ltr maximum volume washing machine. It would also include the collection of rainwater for garden use. The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs etc, must not be adversely affected.

6. It is recommended that a penn stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the development and the lagoon, which could be isolated. This would ensure that should a spillage occur on the site it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters. The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon.

7. During construction vehicles should not cross or work directly in a watercourse. Pumps for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if any discharge to a watercourse is proposed or notified immediately of any incident likely to cause pollution. Storage of any fuels should be sited well away from watercourses. The tanks should be bunded or surrounded by oil absorbent material to control spillage and leakage. Any waste generated or brought onto site must be handles as per the waste management licensing regulations 1994.

8. It is recommended you investigate the use of Sustainable Drainage Systems (SuDS) for surface water drainage on site in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include a) interception and reuse, b) porous paving/surfaces, c) infiltration techniques, d) detention/attenuation, e) wetlands.

9. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the area are not adversely affected.

REASON(S) FOR RECOMMENDATION:- The proposed development site is considered to be in a sustainable location and the Transport Authority has not

objected on highway safety grounds. The development provides housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status, the RSS targets, and advice in PPS3. It does not compromise the future LDF strategy and given the site has previously been considered suitable for housing by a Planning Inspector through a Public Local Inquiry if is considered acceptable for development in principal, these issues, together with the necessary Section 106 provisions are considered to outweigh any objection on the basis of the site being outside the current development limits as currently identified in the Development Plan.

2.0 APPLICANT

Persimmon Homes (South West) Ltd

3.0 PROPOSAL

The proposal comprises an outline application for the residential development of land to the west of Bishops Hull Road with an indicative housing figure of 220 units. (35% of which the housing is intended to be affordable). Public open space, infrastructure and services are also to be provided. The application is supported by a Design and Access statement which incorporates a master plan to ensure a comprehensive approach to the development of the land and the provision of infrastructure. The site area in gross terms is 7.65 hectares with 5.25 hectares being the net developable area. The submission also includes an Environmental Statement which covers wildlife and ecological reports, a landscape assessment, an archaeological report, a Transport statement and a Flood Risk Assessment.

The means of access is the only detail currently not reserved for subsequent approval therefore includes detail of the access into the site off Bishops Hull Road as well as the alteration to the junction of Bishops Hull Road with the A38 Wellington New Road. The latter works provide for a rearrangement of the access into and out of Bishops Hull Road prohibiting traffic from entering the road at the A38 junction. Off site highway works will also include crossing points and new footway provision.

4.0 THE SITE

The site extends to 7.65 hectares and is currently used for agricultural purposes and an old orchard located to the west of Bishops Hull Road with residential development to the north and south and open fields to the west. There is a roadside hedge to the eastern boundary and housing on the opposite side of the road. The site consists of two agricultural fields subdivided by a boundary hedge and public footpath with an old orchard to the north. The land slopes away from the roadside bank and hedge towards the western boundary which consists of another well-established hedgerow. The southern boundary also consists of a bank and hedge with land within the site to the north set lower than the access track and bungalow to the south. Beyond the site to the west the land rises up to the Stonegallows ridge.

The site is located on the edge of the existing settlement and is well related to existing employment areas as well as having access to a regular bus route. There are local facilities in Bishops Hull including a village shop, butcher, primary school and pub and the site lies within relatively easy access of the town centre and has reasonable access to a wide range of local facilities.

5.0 RELEVANT PLANNING HISTORY

05/1988/067 - Residential development of Land to the west of Bishops Hull Road, Bishops Hull. Outline permission refused in March 1989.

The site was considered by the Inspector at the Public Local Inquiry in relation to the currently adopted Local Plan at the Local Plan Inquiry, the Inspector in his Report of 2003 stated
"23.1.4.7 The ability of existing infrastructure to cater for the development proposed in this allocation is not in dispute. The site lies within reasonably close proximity of existing employment areas and other facilities, and to the regular bus services that run along the A38 Wellington Road. In these circumstances, I take the view that the essential objectives of PPG3 in terms of mixed use developments would be achieved. Although the site at its nearest is just beyond the primary school distance target in terms of the interim accessibility criteria set out in RPG10, I do not regard this modest shortfall to be such as to amount to a bar to an allocation here.
23.1.4.8 I appreciate that time has not yet allowed for procedures for the growth of PUAs outlined in RPG10 Policy SS5 to be put in place. An urban capacity study however, has been undertaken and a detailed analysis of potential allocations at Taunton has taken place through this Local Plan Inquiry. The appraisals have been extensive and I am satisfied that an allocation on this site would not cause harm in strategic policy terms."

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance Note 10

Policy SS5 – Principal Urban Areas

Policy SS14 - Taunton

EN1 – Landscape and Biodiversity

EN4 – Quality in the Built Environment

EN5 – Health, Education, Safety and other Social Infrastructure

TCS2 – Culture, Leisure and Sport

HO3 – Affordable Housing

HO6 – Mix of Housing Types and Densities

TRAN1 – Reducing the Need to Travel

TRAN3 – The Urban Areas

TRAN10 – Walking, Cycling and Public Transport

RE2 – Flood Risk

Regional Spatial Strategy – The Panel Report on the Draft RSS has been issued and the Panel has identified a number of Policy amendments. Relevant policies are:

SD1 – The Ecological Footprint

SD2 – Climate Change

SD3 – The Environment and Natural Resources

SD4 – Sustainable Communities

Policy A – Development at the Strategically Significant Cities and Towns

Policy D – Infrastructure for Development

Policy E – High Quality Design

Policy F – Master Planning and Delivery of Major Development

Policy G – Sustainable Construction

SR6.4 – Housing Provision – this sets a housing figure for Taunton of 11,000 within the existing urban area, 4000 dwellings within an area of search to the north east of Taunton and 3000 dwelling is an area of search to the south west of Taunton.

H1 – Affordable Housing

H2 – Housing Densities

F1 – Flood Risk

RE5 – Renewable Energy and New Development

The Regional Spatial Strategy – Draft RSS Incorporating the Secretary of State's Proposed Changes. Policies as above other than

CSS – The Core Spatial Strategy

Policy HMA6: Taunton HMA
In the Taunton HMA provision will be made for 21,800 homes in Taunton Deane.
Taunton will realise its economic potential and develop its role as an employment, service and cultural centre to meet the needs of an expanding population, while reducing the risk of flooding, by providing for expansion and regeneration of the town centre.
Provision of sustainable housing growth will comprise:

11,000 new homes within the existing urban area of Taunton
4,000 new homes at Area of Search 6A to the north east of Taunton
3,000 new homes at Area of Search 6B to the south west of Taunton

RTS2 - Demand Management and Sustainable Travel Measures at the SSCTs

H1 – Housing Affordability - Within the 29,623 dwellings per annum (at least) required for the region, at least 10,000 affordable homes per annum will be provided in the period to 2026. Provision will be made for at least 35% of all housing development annually across each local authority area and Housing Market Area to be affordable housing.

CS1 – Provision of Services and Community Infrastructure

ENV4 – Nature Conservation

RE5 – Decentralised Energy to Supply New Development

Somerset and Exmoor National Park Joint Structure Plan Review
Policies Saved in accordance with Direction under paragraph1 (3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

STR1 - requires a sustainable approach to new development, minimising the length of journeys and maximising the use of public transport, cycling and walking; conserving the biodiversity and environmental assets of an area and ensure access to housing employment and services.

STR6 - controls development outside of settlements to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 5 - safeguards the landscape character of an area with particular attention to distinctive landscape, heritage or nature characteristics.

Policy 14 - development proposals should ensure that protection of archaeological remains is undertaken.

Policy 33 – Housing requires Taunton Deane to provide for about 10,450 dwellings up until 2011.

Policy 35 – Affordable Housing

Policy 49 – Transport Requirements of New Development requires all development proposals to be compatible with the existing transport network and, if not, provision should be made to enable the development to proceed.

Policy 50 - Traffic Management.

Adopted Taunton Deane Local Plan Saved Policies

S1 - general requirements for all development including: - the traffic impact, accessibility of development, protection of wildlife species or habitats, an acceptable impact on the visual amenity and character of the existing environment, levels of

pollution should not be unacceptable, the safety of occupants from ground instability is secured, the development should minimize any adverse impact on the environment or existing land uses, encourage recycling, make full and effective use of the site, incorporate public art.

S2 - requires new development to be of good design.

S7 - new building outside of defined settlement limits will not be allowed unless it maintains or enhances the environmental quality and landscape character of the area and it is for agricultural or forestry and accords with a specific local plan policy.

H9 - On suitable housing sites, the provision of affordable dwellings will be sought where:
(A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
(B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and
(C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.
The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy.

M4 - guides the amount of parking required for residential development.

M5 - requires a comprehensive convenient and safe cycle network.

M6 - indicates that existing streets will be traffic calmed to improve the environment, safety or to encourage traffic to use the most appropriate roads.

C1 – New housing development which generates a significant need for statutory education provision (for children aged 4-16) will be permitted provided that:
(A) existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development; or
(B) new permanent provision within a reasonable distance necessary to accommodate the additional need generated by the development is:
(i) firmly programmed in the Local Education Authority capital programme; or
(ii)provided by the development.

C4 – In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:
(A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
(B) adequately constructed and equipped public playing fields: 45 square metres per

dwelling. This standard excludes space required for noise buffer zones;
(C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
(D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
(E) developers will be required to arrange for maintenance of the recreational open space.

C12 - Development of renewable energy sources will be permitted where relevant local plan policies are met.

EN6 – Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.
The good management of such tree cover for nature conservation purposes will be sought.

EN12 - Landscape Character Areas

EN23 - requires sites that may have an archaeological potential to be fully investigated before planning applications are allowed.

EN26 - will not allow development that would pose a risk to the quality, quantity and availability of water in the water environment.

EN28 - outlines a site selection preference where sites that have low to medium flood risk are developed before those with a high risk such as functional site plain (known as a sequential test for site selection).

EN34 – External Lighting.

T1 – Associated Settlements

7.0 RELEVANT CENTRAL GOVERNMENT GUIDANCE

Planning Policy Statement 1 Delivering Sustainable Development and PPS1 Supplement on Climate Change

Planning Policy Statement 3 Housing

Planning Policy Statement 7 Sustainable Development in Rural Areas

Planning Policy Statement 9 Biodiversity and Geological Conservation

Planning Policy Statement 10 Planning and Waste Management

Planning Policy Guidance Note 13 Transport

Planning Policy Guidance Note 16 Archaeology and Planning

Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation

Planning Policy Statement 22 Renewable Energy

Planning Policy Statement 25 Development and Flood Risk

8.0 CONSULTATIONS

LANDSCAPE OFFICER - I generally accept the broader landscape assessment given the Inspectors comments and the deletion of the Special Landscape Features as local landscape designations. My main concern is the housing layout and I recommend stronger tree planting along the lower western boundary amenity area as well as a much stronger tree planting grouping running north - south through the middle of the housing site. Both of the above measures will help to break up the housing as seen from the west looking east from the public footpaths.

NATURE CONSERVATION OFFICER - There is a pond marked on the map on site. The pond is dry even in the current wet weather and I understand it has been dry all through the wet summer. However I recommend we need comment from MWA on the current value of the habitat and future enhancement of that part of the site. I note there is one oak closely associated with the pond site with possible bat roosting potential (another in the western boundary hedge) has the site been assessed for TPOs? MWA's survey has identified that there is extensive use of the site by badgers. Bat flight lines and foraging areas have been identified. I advise that a condition will be needed to protect badgers through the development, including the need for badger licences and the maintenance of territory once the development is completed – to include retention of hedgerows and a corridor provided to encourage the badgers into the open country to the west as detailed in the Report. MWA's survey identified commuting routes for bats identified as hedges H2 and H3. An important area for foraging bats is the southern end of the site along the western boundary. Pending further information from Natural England I am concerned a bat commuting route will be broken in H2. Full dormouse survey work was completed and no signs of dormice were found. I am satisfied the species will not be a material consideration in this case. Further to landscape proposals for the site I recommend that an ecological management plan to maintain existing hedgerows and their value for wildlife in the long term is a condition of any planning consent on the site.

RIGHTS OF WAY OFFICER - The area under consideration is crossed by the public footpath T3/18 (Parish of Bishops Hull). Note needs to be taken of this at further stages in the planning/development progress.

LEISURE DEVELOPMENT MANAGER –
Summary of requirements for recreation**:**
Provision of a minimum of 1.316 hectares of public open space for recreation
Professionally designed play areas – NEAP and LEAP and informal play space
Contribute £186,120 towards community centre facilities in the village and
Contribute £225,060 for playing fields to be used to improve existing provision to allow for additional use

Public Open Space

Policy C4 of the Local Plan requires 2.6ha of public open space per thousand population. This is divided into 0.8 hectares (8000 square metres) for play equipped play areas and informal play space and 1.8 hectares (18000) square metres) for playing fields laid out and equipped for formal sports but available to the general public at other times for informal recreation.

Assuming an average occupancy of 2.3 people per house the development will house 506 new residents who will need 1.32 ha or 13200 square metres of public open space to fulfil policy C4's requirements. Of this 0.88 ha or 8,800 square metres would be for playing fields and 0.44ha or 4,400 square metres for children's play. The planning application states that it is providing 2.4 ha of green space but not all of this is suitable for recreation as much is for flood attenuation, wildlife habitat or is landscaping around the parking areas within the built parts of the development.

Play Provision

The Local Plan states that on large developments a NEAP or Neighbourhood Equipped Area for Play for older children and teenagers and a LEAP or Local Equipped Area for Play for young children are both required and the proposal does show both of these. A NEAP includes areas for wheeled activities and ball games and must have an additional buffer zone of a minimum of 30m from residential curtilage. Together the LEAP and NEAP would provide a minimum of 1400 square meters of equipped play space. The remaining 3000 square metres required for play would need to be defined as being for play and informal recreation. The location of the equipped play areas on the outline plan is not appropriate. They need to be sited centrally or as part of the residential development rather than peripheral to it in order that there is informal surveillance to discourage any inappropriate behaviour. The minimum buffer zone between dwellings and a LEAP and NEAP are 10m and 30m respectively to prevent noise nuisance.

All of the play spaces should be designed in accordance with the Council's Play Policy.

Playing Fields

Whilst the development may be providing public open space equivalent to that required for playing fields, it is not proposed to prepare the site and provide the facilities for formal sports use and it is not appropriate to do so on this site. The costs for doing so have been calculated for other developments at a cost per dwelling of £1023.

For this development it will be acceptable for an off -site contribution based on the costs of equipping and laying out the playing fields to be made and for this to be used to improve the capacity of existing playing fields in the town. The off-site contribution for playing fields would be a total of £225,060 which should be a requirement of this planning application.

Community Facilities

Past experience has shown that all new communities generate a need for community facilities, for example, at Cotford St Luke 650 new dwellings required the building of a new community centre. At current prices the approximate cost of such a centre is £550,000 or £846 per dwelling.

Bishops Hull has a shared use community hall at the primary school along with a meeting room in the school. These facilities are not able to accommodate the additional use needed by the new residents of the development. There may be

scope to extend the current building on the school site in agreement with Somerset County Council to provide additional facilities to accommodate the additional need or to identify other suitable ways to provide for it. This development should contribute £186,120 towards improving local community facilities which could be returned if a suitable project cannot be identified.

COMMENT on 7/9/09

I concur that there is sufficient open space being shown in the light of the off-site playing field contribution but would stress that the location of the play space and open space is not suitable. The NEAP and LEAP should be collocated within the wider playable open space so that siblings of the different age groups can play together or be supervised by parents together. The whole should be centrally located in the development not peripherally located where there is no vital informal supervision from dwellings. Just because the land at the northern end is not suitable for houses does not mean that the play spaces should be located there. I am also concerned at the location of the SUDs right beside the NEAP – will there be water in the area shown?

HOUSING ENABLING MANAGER - The Housing Enabling Manager would support this scheme providing the affordable housing delivery is 40% of the total numbers constructed. The tenure mix to be broken down into 50% social rented, 25% shared ownership and 25% low cost open market. It should be noted that the affordable homes must be distributed throughout the site in groups of 15 or as near as possible. The rented homes should be delivered in conjunction with a Taunton Deane Partner Registered Social Landlord.

DRAINAGE OFFICER - I refer to the Flood risk assessment contained in this application dated 29 October 2007 and note that surface water discharges are to be limited to Greenfield run off rates by use of Sustainable Urban Drainage Systems (SUDS). A condition should be placed on any outline approval that full details of any surface water disposal system will have to be agreed with this Authority before any works commence on site. Details will have to be provided showing how the long term maintenance of the chosen drainage system together with the requisite commuted sums will be achieved. These details should also include the attenuation measures together with any flow control devices and the existing culvert and screen at present situated within the application site. I note that it is proposed that the attenuation system is to be located within the area of Public Open Space. The Council's Leisure Development Manager and Landscape Officer should be consulted on the proposal as it may affect the viability and use of this area.

FORWARD PLAN STRATEGY UNIT - As the application site is greenfield, beyond a settlement limit, and not allocated for development in the Taunton Deane Local Plan, the proposal is contrary to the provisions of the Development Plan. Government advice is that the statutory Development Plan should be the starting point in the consideration of planning applications, and that they should be determined in accordance with it unless material considerations indicate otherwise. The key issue, therefore, is whether there are material considerations that are of sufficient weight to overcome the significant policy objection to the proposal.

In this case the question to be addressed is whether sufficient housing land is currently available to meet RSS housing requirements and maintain a sufficient

supply, or a need exists to grant planning permission to additional, unallocated, sites. If such a need is considered to exist, a number of supplementary questions arise in relation to this particular proposal:

- Is the site suitable for development?
- Will granting permission compromise the strategy of the emerging LDF?
- Will the proposal compromise local options for LDF site identification?

Is there a need for additional sites to meet housing requirements and maintain a five year supply of land for housing?

The Government is giving the highest priority at a national level to increasing the provision of housing. This is reflected in the guidance in PPS3, which is designed to 'underpin the necessary step-change in housing delivery, through a new, more responsive approach to land supply at the local level'.

A key requirement is for Local Planning Authorities (LPAs) to ensure that there is a continuous five year supply of deliverable sites available for housing [PPS3, para60]. 'Deliverable' means: available now, suitable for development, and achievable (having a reasonable prospect of being delivered on site within five years) [PPS3, para 54]. Furthermore, LPAs should also identify a further supply of specific, developable sites for years 6-10 and, where possible, for years 11-15 [PPS3, para55].

The assessment of supply should take account of the level of housing provision set out in the Regional Spatial Strategy (RSS). Where updated RSS is being prepared, regard should be taken of the level of housing provision being proposed.

The situation in Taunton Deane at present is that housing allocations, in the Taunton Deane Local Plan (TDLP), are designed to meet the housing requirements of the Regional Planning Guidance (RPG) published in 1994, as interpreted by the Somerset and Exmoor National Park Structure Plan Review in 2000. This requires provision to be made for about 10,450 dwellings between 1991 and 2011, at an annual average of 523. Although updated RPG was published in 2001, this was too late for any changed housing requirements to be brought forward through the Structure Plan and accommodated in the TDLP.

Updated RSS is at an advanced stage of preparation, and is proposing considerably higher levels of housing growth for the Borough than previous regional strategies. Given the very outdated basis of the TDLP's housing provisions and the new RSS's advanced stage of preparation, the latter provides the relevant basis for the assessment of available housing land supply. Although the report of the EiP Panel was published in January 2008, I consider that at present the housing requirements proposed in the Draft RSS, published in 2006, are the appropriate basis for assessment. These are for 700 dpa in Taunton, 90 dpa in Wellington, and 75 dpa in the remainder of the Borough.

The housing land supply situation in the Borough has been assessed, and this has revealed approximately 5.5 years' worth of deliverable sites. However, with the RSS defining specific requirements for Taunton and Wellington it is necessary to consider the supply situation in the towns separately. This shows that in Taunton there is just five year's worth of land. Although this refutes the applicants' assertion that a five year supply of land is not available, other issues need to be considered:

- First is the recommendation of the RSS EiP Panel to increase the Taunton

housing requirement from 14,000 to 18,000 dwellings. Although the Secretary of State has to decide whether to accept this recommendation, and then subject her decision to public consultation, the general pressure to increase housing numbers suggests that a figure around the higher level is likely to be included in the final RSS. The adoption of such an increase, averaging 200 dpa, would reduce the available land supply to well below 5 years, and create an immediate need for remedial action.

- The PPS3 requirement is for a continuous five year supply to be maintained. Whilst there is a five year supply now, our housing trajectory indicates that at present there are insufficient allocations and permissions to maintain this position in future years as sites are developed. Although additional capacity is being brought forward through the Taunton Town Centre Area Action Plan, account has been taken of this in the assessment of supply. Beyond that, new sites will be identified in the Core Strategy and Site Allocations DPDs, but these documents are unlikely to be adopted until 2011. Given the substantial lead time needed to bring sites to the point when dwellings are being built, there is a clear need to make some additional capacity available in advance of allocations coming through the LDF.

- Also relevant is the advice note on 'Demonstrating a 5 Year Supply of Deliverable Sites', which has been published by DCLG to supplement PPS3. This states that 'in areas with significant demand and need for housing Local Planning Authorities should not necessarily treat the 5-year housing provision figures as a ceiling which cannot be exceeded'.

- A further factor is that PPS3 states, at paragraph 71, that where LPAs cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing. An appeal decision by the Secretary of State on a proposal in Bedford, reported in August 2007, demonstrated her willingness to implement this approach where justified. With the land supply in Taunton only just meeting the five year requirement now, and forecast to diminish in the next two or three years, it is likely that the Council will soon be in a position where a refusal of planning permission might be rejected in similar fashion.

- Finally, Taunton is identified in the current RPG as a Principal Urban Area, and in the emerging RSS as a Strategically Significant Town. It is also a Growth Point, in recognition of its commitment to the delivery of the increased and large scale of proposed housing growth. It is important, therefore, that the Council takes such steps as are necessary to help ensure the delivery of the planned rate of growth.

In conclusion, I consider that in view of the factors outlined above there is a clear case for granting planning permission on a limited number of suitable unallocated sites in order to maintain a five year supply of deliverable land.

<u>Is the application site suitable for development?</u>

My comments here relate to the general principle of development of the site, and are made without prejudice to matters of detail that are currently being considered through the development control process.

The site was one of many that were considered during the preparation of the TDLP. It was the subject of a non-allocation objection that was considered by the LPI Inspector. His conclusion was that there were no significant objections to the site's development, and that it would achieve the essential objectives of PPG3 in terms of mixed-use development where housing has adequate access to jobs, services and facilities, and public transport. Consequently, he recommended that the Council give further consideration to the site as one of a small number of alternatives similarly recommended for meeting a shortfall in housing allocations arising from the recommended deletion of other sites.

In my view there have been no changes to planning policies, new information, or changes of circumstances that alter materially the Inspector's conclusions about the site's suitability.

Will granting permission compromise the strategy of the emerging LDF?

Although the Core Strategy of the LDF is still in its early stages of preparation, it is clear that in order to be 'sound' it will have a strategy that gives priority to development within, and then adjoining, the urban area of Taunton. To meet the growth levels for housing that are being proposed in the emerging RSS will require many thousands of new homes to be built on urban extensions on greenfield land. It is estimated that to achieve the housing requirement of the Draft RSS, for 14,000 additional dwellings in Taunton in 2006-26, approximately 7,000 of them will have to be built on such sites. If the level proposed in the recently published report of the EiP Panel is adopted in the final RSS, this figure would increase to 11,000. With this scale of housing to be built on greenfield urban extensions the commitment of about 200 dwellings on the application site would not be prejudicial to the forthcoming strategy of the LDF.

Will the proposal compromise local options for LDF site identification?

In view of the scale of housing allocations that will need to be made in the LDF it is important that all potential opportunities are investigated thoroughly, and that suitable sites are not compromised. Previous consideration of the application site, as outlined above, has concluded that it has no significant constraints, and is generally suitable for development. It is possible that the same applies to a wider area, and this will be investigated in the preparation of the Core Strategy and Allocations DPDs. It is not considered that the grant of planning permission to the application site would compromise opportunities for bringing a larger area forward for development if it was felt to be appropriate to do so, although care would need to be taken in the determination of future Reserved Matters applications.

The extent of current housing supply was assessed in the Strategic Housing Land Availability Assessment (SHLAA), which was completed in July 2009. This found in Taunton 'Strategically Significant City & Town' area (SSCT) a 3.1 years supply of housing land. Elsewhere in the Taunton Deane there is a 6.8 years supply.

My conclusion, taking account of all the issues outlined above, is that the principle of the proposed development is acceptable, and that early implementation would make a useful contribution towards meeting Taunton's aspirations for growth.

COUNTY ARCHAEOLOGIST - The Environmental Statement concludes there are

moderate to low potential for significant archaeological remains. It is however very likely that remains of local importance are located on the site and para 5.1 of the ES states that further investigations will take place to fully determine the archaeological component. Overall I agree with the statement and advise that a series of investigations take place as part of a phased evaluation. Initially a geophysical survey and earthwork survey should take place. The results of these should be used to design an intrusive trial trench investigation. The combination of results could then inform on the appropriate mitigation. For this reason I recommend that a condition be attached to permission to ensure that evaluation and mitigation (in the form of excavation) takes place. I am happy to provide a specification for the works if required.

COUNTY RIGHTS OF WAY TEAM - I can confirm that there is a public right of way (PROW) recorded on the definitive map which crosses the area of the proposed development area, highlighted on your plan at the present time (footpath no. T3/18). If it is considered that the development would result in any of the outcomes listed below then authorisation for these works must be sought from Somerset County Council Rights of Way Group – A PROW being made less commodious for continued public use, new furniture being need along a PROW, changes to the surface of a PROW being needed and changes to the existing drainage arrangements associated with the PROW.
If the work involved in carrying out this proposed development would make a PROW less commodious for continued public use or create a hazard to users of the PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823 483091). If the path is to be diverted as part of the development this will be done through the Town and Country Planning Act by Taunton Deane Borough Council.

COUNTY EDUCATION - The development would result in additional demand for places at both the local primary and secondary schools. It is accepted that there is sufficient capacity at the primary school to admit the expected number of pupils from the development and so no contribution is sought in respect of primary education. However in the event permission is granted the County Council would seek contributions to enhance secondary accommodation as necessary through the completion of an agreement under Section 106 of the Act. The application states that the development would comprise 220 dwellings. On the County Council's normal expectation that there will be demand for 30 additional student places from each 210 new dwellings, as set out in the adopted Local Plan the development could be expected to generate the need for 31 secondary school places. Castle School has a net capacity of 1145, although there are currently 1199 pupils on roll and the school is forecast to continue to be over-capacity in future years. This shortage of space will therefore be significantly exacerbated by the development and a financial contribution to enhance the facilities at the school would therefore be appropriate in accordance with policy C1 of the Local Plan. The DCSF (formerly the DfES) estimates the capital cost of providing a secondary school place in Somerset as £15,531 (the Basic Need Cost Multiplier). If 31 additional places were required this would equate to a total contribution of £481,461. On the other hand there is currently some capacity in respect of the local primary school and this is anticipated to continue in the foreseeable future; it is therefore presently considered unlikely that any new additional primary school accommodation would be justified.

AVON & SOMERSET POLICE - Having viewed the plans and associated

documents at this outline stage, I would make the following comments from a prevention of crime and disorder perspective:-
The DAS makes only a brief mention of natural surveillance of the street, safe environment for children and clear distinction between public/private space and continues to contradict the principle of 'defensible space' with a comment about 'minimising the requirement for boundary fencing'. In my view this shows little awareness of potential crime and disorder issues in the area of the application and of any measures proposed to mitigate any identified problems. I am of the opinion that the developer should reconsider and enlarge on this element of the application.
Permeability – the proposed development appears to me to be very permeable, particularly in respect of foot/cycle paths, with a public right of way and at least 4 key connections to the west of the development. These foot/cycle paths do not appear to lead anywhere other than towards open fields and potentially allow the criminal legitimate access to and means of escape from dwellings etc on the development. From a crime prevention angle it would be beneficial if the number of foot/cycle paths through the development were reduced to a number evidenced to be necessary. Potential desire lines should also be taken into consideration.

Defensible Space – the DAS indicates that houses will face onto the street to provide natural surveillance which is beneficial. This should also be the case in respect of buildings facing the proposed public open spaces/play areas. Front boundaries of properties must be clearly defined by physical/symbolic means e.g. low walls/fences/surface change or colour to delineate private/public space and ensure ownership is not in dispute. Communal areas immediately abutting private space of the blocks/dwellings can be problematical in that there is a perceived lack of ownership and control. Such areas can be a source of crime and ASB and should be avoided. Rear gardens or private spaces should back onto one another to maximise security. Rear boundaries should be robust and a minimum of 1.8m in height to provide privacy and deter unauthorised access. Rear alleyways should be avoided but if essential for refuse collection etc fitted with a lockable gate. Symbolic measures can also be used at the entrance(s) to the development and other focal points within it to delineate public from private space.

Public Open Spaces – poorly designed POS can be a crime/ASB generator and, with this in mind, the proposed NEAP in the old orchard and LEAP near the south west boundary should be designed with maximum natural surveillance. The LEAP in particular seems to be in a rather isolated position on the edge of the development and adjacent to a public right of way and pond. There appears to me to be inherent risks to the personal safety of children/young people using this facility and I feel consideration should be given to the relocating it to an area more towards the centre of the development with better surveillance opportunities. Play areas for younger children should be clearly defined with plenty of surveillance and enclosed with suitable railings/fencing. Landscaping/planting should not hinder surveillance nor lighting, particularly of footpaths/cycleways and in such areas should have a maximum growth height of 1m. Trees in public places where surveillance is a key aid must have corridors of vision 2m in height from the ground. Prickly plants can be used in appropriate locations to create physical barriers and enhance security. Planting of shrubs near potential ambush points must be avoided, ground cover plants should be used instead.

Car Parking – the DAS indicates the development will include a mixture of garages, allocated spaces and communal parking areas. In curtilage parking, especially behind gates or better still in garages is the most secure. Communal or courtyard

parking should be overlooked, with clearly allocated spaces and well lit.

Lighting – no lighting schedule is included and all street lighting for adopted highways, footpaths, private estate roads and communal parking areas should comply with BS5489 standard to deter crime and reduce the fear of crime for residents.

Physical Security – the applicant is advised to formulate all physical design measures in accordance with the police 'Secured by Design' award scheme, full details of which are available on the SBD website.

NEIGHBOURHOOD BEAT MANAGER – I am writing to express my concern over the on going planning application from Persimmon Homes in Bishops Hull. You may not be aware that an on going issue in the village is speeding, for which we have set up a community speed watch team to monitor and record the speed of traffic. Those drivers exceeding the speed limit are then sent a warning letter by us to inform them that they were caught speeding. We also have the road policing unit attending the area to prosecute drivers exceeding the speed limit. The main area of concern over speeding is Bishops Hull Road. This road is a 20mph zone with traffic calming measures already in place, yet my community speed watch team are regularly catching a large number of vehicles breaking the speed limit. Some have been recorded at nearly twice the limit, and most are repeat offenders. Many of the community have approached me expressing concern over the on going application.

The concern is that this road is already suffering a large amount of traffic used as a cut through. The road as it stands already struggles to cope with the volume of traffic and only has a footpath on one side. The average home in Britain has two cars per household. This would mead in theory nearly 500 extra cars coming into the village. How exactly is Bishops Hull Road supposed to cope with this increase in volume? If vehicles exit onto Wellington Road they face long delays as it is already a busy set of cross roads, and if they exit onto Silk Mills Road, this end of Bishops Hull Road is mostly single file traffic due to parking of vehicles. I don't believe it is possible to turn the road into one with no parking, as the vehicles are those of residents without any where else to park, therefore again there would be large queues of traffic and higher risk of accidents. At peak times I myself have sat in queues of traffic on Silk Mills Road due to the traffic lights already in place and the shear volume of vehicles. I feel an extremely detailed traffic control plan needs to be submitted to give peace of mind to the community of Bishops Hull.

WESSEX WATER -
Foul Sewerage
The existing public sewerage system is not adequate to serve the proposed development. Off site reinforcement work is required to provide adequate capacity. An on-site pumping station may also be appropriate to deliver flows to the existing gravity system in conjunction with off-site reinforcement referred to above. Developers are expected to contribute to the cost of off-site reinforcements.
Please note that storm water must not be connected to any foul drainage under any circumstance.

Surface Water Drainage
Storm flows should be discharged direct to land drainage / river with the approval of the appropriate authority. On-site attenuation with an outflow equivalent to green

field run-off rates may be required by the land drainage authority. They may also require existing land drainage be uprated.

Adoption of New Sewers
In line with Government policy the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment
The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Water Supply
The existing system is not adequate to serve the proposed development. Network modelling is already underway to determine the extent of off-site mains reinforcement required to ensure adequate supplies. Developers are expected to contribute to the cost of off-site reinforcements.
FURTHER COMMENTS 20/5/08
Storage provision is required whilst the existing pumping station is taking combined flows from the existing connected development. Design of the storage can be agreed at a later stage. It should be noted that a new pumping station on site, working in parallel with the existing station would be more likely to cause or exacerbate downstream problems than the proposed attenuation/storage scheme that is now being proposed. We would respectfully request a condition be included in any planning permission that may be granted by your Council.
Condition – Foul flows from the development site shall be attenuated with adequate on-site storage. Reason: To prevent foul flooding and pollution

ENVIRONMENT AGENCY - The Environment Agency objects to the following application as it fails to appropriately assess flood risk thus contravening PPS 25. In its current form as it has been submitted without a fully compliant Flood Risk Assessment (FRA). To make the FRA compliant, the applicant will have to demonstrate that the overall surface water attenuation strategy will have enough capacity to deal with a 1 in 100 year plus climate change storm event, by quantifying the volume of surface water attenuation required and details of control structures used to limit the flow together with soakaway tests and design calculations.

Until the Agency receives a revised FRA addressing the above we will be unable to fully assess the proposal and remove our objection.

Should the Agency's objection to the proposal subsequently be overcome the Agency would seek the application of the following conditions.

CONDITION: Wessex Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution. This may include provision for updating the existing pumping station or emergency systems.

REASON: To prevent pollution of the water environment.

CONDITION: All planting in areas of public open space including any introduction of aquatic species should be done using native species ideally of local provenance. In

the orchard area an exception should be made to include the planting of traditional varieties of orchard trees.

REASON: To conserve native species and prevent the introduction of alien species which can be invasive and difficult to control.

CONDITION: No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

Note: The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit http://www.environment-agency.gov.uk/>Subjects>Water Resources>How We Help To Save Water>Publications>Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful – http://www.savewatersavemoney.co.uk/.

PLANNING OBLIGATION
We welcome the decision to provide generous areas of public open space which will serve a range of purposes including the provision of public realm and the conservation of biodiversity. We would expect the future management of public open space to be secured by a Section 106 Agreement supported by an appropriate commuted sum.

The following recommendations should be included in the decision notice:

We strongly recommend that the proposed development includes sustainable design and construction measure, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit www.planningportal.gov.uk/uploads/code for sust homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

Water availability is limited in the south west even though both Wessex Water and Bristol Water are deemed to be at a low level of water stress. Further abstraction from current licences or the development of new sources could have a local impact on the environment and exacerbate current low flow issues. We therefore strongly encourage the efficient use of all water to minimise the need for further abstraction, especially with the unknown influences of climate change. Water efficiency measures incorporated into this scheme would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by the Planning Inspectorate

(North Dorset District Council Public Inquiry, APP/N1215/1191202 & APP/N1215/1191206, decisions dated 12 February 2007). The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would strongly encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d. This code gives guidance on how this could be achieved and includes fitting devices such as 6/4 dual flush toilets, flow reducing/aeration taps, 6-9 litre/minute shower, smaller shaped bath, 18 ltr maximum volume dishwasher and 60 ltr maximum volume washing machine. It would also include the collection of rainwater for garden use. The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs etc, must not be adversely affected.

It is recommended that a penn stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the development and the lagoon which could be isolated. This would ensure that should a spillage occur on the site it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters. The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon.

During construction the following comments apply:- Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank. Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. The Environment Agency must be notified immediately of any incident likely to cause pollution. Any waste generated as part of this development, or brought onto site must be handled as per the waste management licensing regulations 1994.

COMMENT ON AMENDED DETAIL 3/7/08
The Environment Agency is now able to **remove** their objection to the proposed development subject to the following conditions and informatives, in addition to the conditions, planning obligation and recommendations detailed in our letter dated 14 January 2008.
CONDITION
No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
CONDITION
No development shall be commenced until a scheme for the provision of surface water drainage works, including attenuation to the 1 in 2 year Greenfield runoff has

been submitted to and approved in writing by the Local Planning Authority. The drainage and attenuation works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
CONDITION
No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the development scheme.
Reason: To ensure the works provide the necessary mitigation against flooding for the lifetime of the proposed development.
CONDITION
No development approved by this permission shall be commenced until a scheme preventing the retained water in the pond from flooding the existing garden located north east of the pond. This must be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
INFORMATIVE
It is recommended you investigate the use of Sustainable Drainage Systems (SuDS) for surface water drainage on site in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include a) interception and reuse, b) porous paving/surfaces, c) infiltration techniques, d) detention/attenuation, e) wetlands.
INFORMATIVE
There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the area are not adversely affected.

NATURAL ENGLAND - Natural England supports the amount of 'Green infrastructure' proposed in the form of Neighbourhood Equipped Areas for Play (NEAP) in the north and south west areas of the site, as well as the buffer of Public Open Space (POS) which is proposed to run along the entire length of the western boundary hedge. In the interests of biodiversity enhancement and improved human health/well being that stems from the provision of natural green areas, it is important that the NEAP and POS areas shown on plans pertaining to the outline application be retained in future more detailed (reserve matters) plans. Natural England requests it be a condition of planning permission that the applicant be required to develop and implement an appropriate ecological mitigation/environmental management plan for the site, funded through developer contributions or a Section 106 Agreement. It is important that 'green areas' and specific habitats (protected species) are managed appropriately as recommended in Section 6.6 of the Environmental Statement, both during and post-development.

SCC TRANSPORT DEVELOPMENT - The site lies outside the development limits of Bishops Hull on the western edge of Taunton. The site is not allocated for development in the Taunton Deane Local Plan; however the site lies immediately adjacent to the development limits. The site was put forward for consideration at the time of the last Local Plan and, despite the Local Plan Inspector accepting its

appropriateness for development, the site was not allocated. In its response to the Local Planning Authority, the Highway Authority chose not to object on highways and transport grounds on the basis that highway works could be implemented in the form of traffic signals at Bishops Hull crossroads and that the site was accessible by public transport, which made it a sustainable site on transport grounds.

The current application for 220 dwellings proposes the highway works and supports it with a transport assessment. The Highway Authority has carefully considered the transport assessment and had meetings with both the developer's Highway Consultant and representatives of Bishops Hull Parish Council and residents groups. The meetings have resulted in further information being submitted for consideration.

This is a particularly difficult site in transport terms. It is clearly a suitable site for development from a sustainability viewpoint but surrounding highway network is congested, particularly at peak hours. It is clear, however, that 220 extra dwellings will generate additional traffic and add to congestion at some junctions, and it is also the fact that some of the highway works, such as traffic signals, may in themselves increase congestion on the A38, albeit whilst improving highway safety and access for vehicles emerging from side roads.

The question is, therefore, do we refuse the development and not permit dwellings that generate traffic, or do we accept that we cannot build our way out of congestion and as new dwellings are required to encourage the use of sustainable modes of transport, such as bus, cycling and walking on sites that are relatively close to suitable facilities, such as shops, schools and employment, whilst ensuring as far as possible that any highway works that are necessary improve highway safety? It is my view that we do the latter. We do this by first having suitable access to the development and improving pedestrian facilities in the area to encourage walking. We also require the development to implement a stringent and radical travel plan that provides incentives to the purchasers of dwellings to travel sustainably. This should be provided in conjunction with appropriate highway works and provision of footways which will, I believe, result in an acceptable situation.

In conclusion, therefore, I do not propose to recommend a refusal of the application subject to the applicant entering a Section 106 agreement to secure the following:

1. Suitable means of access into the site with 4.5m x 43m visibility splays with no obstructions to visibility within these splays in excess of 300mm.

2. The provision of a 2m footway along the whole site frontage (this can be either inside or outside of the site).

3. The provision of footways to link the site to both Bishops Hull village and Waterfield Drive and onto Bishops Hull crossroads.

4. The provision of highway alteration at Bishops Hull crossroads, the exact design of which will be determined prior to the commencement of work on site.

5. The production and implementation of a residential travel plan to provide sustainable transport measures in the vicinity. This to include the enhancement of the local shuttle service 3 to half hour frequency. The provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling for a five year period.

6. The above items, together with other issues set out in the travel plan.

In addition the following conditions should also be attached to any consent:-

- No development shall take place until the scheme for the alterations of Bishops Hull crossroads to improve highway safety shall have been agreed with the Local Planning Authority.

- No dwelling shall be occupied until the junction works agreed in the first condition shall have been constructed and opened to traffic.

- 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.

- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

COMMENT ON AMENDED PLAN 3/8/09
I refer to the above-mentioned planning application and have the following observations on the highway aspects of this proposal.

The site lies outside the development limits of Bishops Hull on the western edge of Taunton. The site is not allocated for development in the Taunton Deane Local Plan. However, the site lies immediately adjacent to development limits. The site was put forward for consideration at the time of the Taunton Deane Local Plan and despite the Local Plan Inspector accepting its appropriateness for development the site was not allocated. In its response to the Local Planning Authority the Highway Authority chose not to object to the sites allocation on Highways and Transport grounds on the basis that the highway works in the form of the traffic signals at Bishops Hull Crossroads could be implemented and the site was accessible by Public Transport making it a sustainable site on transport grounds.

The current application for 220 dwellings proposes highway works and supports it with a transport assessment submitted with the application and follows work submitted in June 2009. The current proposal does not include a traffic signal solution at Bishop Hull crossroads. It upgrades the existing right turning lanes and enhances pedestrian movement by upgrading the existing pedestrian refuges. The proposed traffic signal solution was deleted as Somerset County Council decided that the proposed signals would cause such congestion as to create severe problems on the A38 a County Primary Route whose main function is the through movement of traffic. The Highway Authority has carefully considered the transport

assessment and addendum and had meetings with the Developer's Highway and Transport Consultant and representatives of Bishops Hull Parish Council and Local Resident Groups together with Local Councillors. The Local Resident Groups point to inaccuracies in the Transport Assessment. The Highway Authority accept their view that the development will add to congestion in the area. However, the site is ideally suited for development from a sustainability view point albeit that parts of the surrounding network are congested particularly at peak hours. It is clear that an additional 220 dwellings will generate additional traffic and add to the existing congestion. It is also a fact that the highway works proposed will not significantly reduce congestion but will aid pedestrian movement.

This raises some questions: -

- Do we recommend the refusal of the development on congestion grounds.

This will mean that all new developments that will add to congestion should be refused, or,

- Do we accept that we can not build our way out of congestion.

If we do accept this and due to the fact that new developments are focused on towns like Taunton we must focus all our efforts on changing the modes of travel for new and existing residents from the car to public transport, cycling and walking.

It is my view that the individual circumstances and planning history of this site mean that we do the latter.

We do this first by providing a suitable access to the development and then improving pedestrian facilities to encourage walking. We also require the developer to implement a stringent and radical travel plan that provides incentives to the residents to make positive choices over sustainable travel and home working. This must be provided in conjunction with appropriate highway works. This will I believe result in an acceptable solution. On a broader note, this issue is likely to develop into a "whole town" issue. The Taunton Deane Borough Council and Somerset County Council have as part of the core strategy for the emerging Local Development Framework drafted a Planning Obligations Supplementary Planning Document for the Town Centre Area Action Plan with the aim of developing a Borough wide strategy to set tariffs on development in order to fund appropriate infrastructure.

In conclusion therefore I do not propose to recommend the refusal of the application subject the applicant entering into a section 106 agreement to secure the following:

1. A suitable means of access into the site with 2.4 x 43m visibility splays.
2. The provision of a 2m wide footway along the entire site frontage either inside or outside the roadside boundary.
3. The provision of footways to link the site to both Bishop Hull Village and Waterfield Drive and on to Bishops Hull Crossroads.
4. The provision of highway alterations at Bishops Hull Crossroads in the form of an enhanced Right Turn Lane together with a Prohibition of Entry Order into Bishops Hull Road to enable a footway to be provided along the western side.
5. The provision and implementation of emergency access generally in accordance with figure 9b of the addendum travel assessment dated 19/03/08.
6. The provision and implementation of a Residential Travel Plan to provide sustainable transport measures in the vicinity. This is to include the enhancement

of the local shuttle service 3 to ½ hour frequency and the provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling fro a five year period.

In addition the following conditions should be attached to any consent.

- No development on the site shall commence until the alterations to the Bishop Hull Crossroads as outlined above shall have been constructed and opened to traffic to the satisfaction of the Local Planning Authority and Highway Authority.
- The proposed estate roads, footways, footpaths, tactile paving, 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, and street furniture 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.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

COMMENT ON 18/9/09
In respect of the above application, I write to update you on the County Council's position since my letter to you of 3rd August.
In respect of the Bishop's Hull Cross Roads and Bishop's Hull Road, I have received an amended plan from the developer, Drawing Number 'Figure 12 C'. It shows alterations to the junction, together with the prohibition of entry for motor vehicles and the new footway along the western side of Bishop's Hull Road utilising the highway verge. The existing carriageway width on Bishop's Hull Road remains generally unaltered. Technical and safety audits have been carried out on the principle of prohibition of entry and 2 way working. This drawing shows a solution which is acceptable to the County Council.

I have read the comments made by the Avon & Somerset Constabulary on traffic conditions in Bishop's Hull. They centre on the speed of traffic through the village and in particular comment on drivers exceeding the speed limit within the 20mph zone. I will as part of the S106, require the applicants to assess the existing traffic calming and if appropriate carry out alterations to facilitate a reduction in speed.

The police also comment on increased traffic through the village as a result of the development. There will be an increase. However, with the improvements to public transport and travel plan recommendations, it is hoped to reduce this impact and encourage residents wherever possible to leave their cars at home. The cut through issue, which is vehicles avoiding main roads and travelling through villages, is a very difficult one to control. A balance has to be struck between allowing free passage to all and using traffic management to restrict vehicles to the most appropriate routes. This has been considered in Bishop's Hull and it is felt that the prohibition of entry into Bishop's Hull Road will significantly reduce the number of vehicles cutting through the village from the A38.

HIGHWAYS AGENCY- Thank you for consulting the Highways Agency regarding the recently submitted Transport Assessment Addendum Technical Note. Having viewed the information provided in this document we have been able to conclude that these proposals would not have a significant detrimental impact on the Strategic Road Network. As such we do not wish to make any further comments in response to your consultation.

SOUTH WEST REGIONAL DEVELOPMENT AGENCY - Thank you for consulting the South West Regional Development Agency (South West RDA) with regard to this proposed development.

Overview

Taunton is a key town in the South West Region, and is considered as an area for growth. However, the growth of the town must help to secure the regeneration of the town centre and the initiatives being promoted by Project Taunton in the 'Taunton Vision' Urban Regeneration Framework. Providing that the above proposals represent sustainable growth and complement the town centre regeneration it is considered that the residential opportunities would be welcomed.

Therefore it is considered that the proposals could help to deliver a number of the key Strategic Objectives identified in the Regional Economic Strategy (RES) 2006-2015, these being to: promote successful and competitive businesses, strong and inclusive communities in the South West and an effective and confident region.

Consequently, the South West RDA supports the proposals subject to:

- It being demonstrated that the proposals would not prejudice the delivery of the Taunton Vision Urban Regeneration Framework (especially in relation to flooding, transport infrastructure etc).
- An appropriate level of affordable housing being secured within the proposals.
- Good practice urban design and sustainability measures be adopted in the development of the site, including the provision of appropriate linkages between the site and the town centre.

Background

The Agency's response is set in the context of a strong planning policy framework namely PPG3, PPG6, the Regional Spatial Strategy, Somerset County Structure Plan and the Taunton Deane Local Plan and emerging Local Development Framework and the Agency makes no further comment about this. However the application has been assessed on the ability of the proposals to help deliver the Regional Economic Strategy (RES) and it is within this context that our response should be considered.

Delivery of the Region's Economic Strategy

Strategic Objective SO2:	Strong and Inclusive Communities
Regional Priority 2C:	Plan sustainable and successful communities
Delivery Activity 2C.1:	Promote the renaissance of the region's largest cities
Confirmed activity:	Use the planning system to encourage innovative approaches to development that deliver more sustainable patterns of development

Strategic Objective SO2 identifies the need to encourage the development of strong and inclusive communities across the region.

In this regard, the RES delivery framework sets out the ways by which these objectives can be delivered. 'Spatial Implications- Place Matters', an Annex to the RES, identifies key issues that will effect the economy of Taunton. Forecasts identify that the full economic potential of Taunton, to 2026, will include the addition of over 23,000 jobs, and an increase in GVA of £2.54Bn GVA. Whilst forecasts show the positive job prospects for Taunton in relation to job growth, it is recognised that there are a number of challenges for Taunton, in achieving its full economic potential. One of these being the need to provide continues support for the regeneration of Taunton town centre, and associated transport improvements.

In addition to this, the New Growth Points submission recognises the growth opportunities that exist for Taunton and supports the initiatives identified within the Taunton Vision document. It also identifies the need to ensure that proposals for growth are sustainable, acceptable environmentally and realistic in terms of infrastructure (especially in relation to flood risk and transport infrastructure). Hence the need to ensure that the proposals would not prejudice the delivery of the Taunton Vision Urban Regeneration Framework and that appropriate linkages are made between the site and the town centre to reduce the impact of growth on the transport network.

Providing that the proposals complement the Taunton Vision initiatives (as identified above), and secure an appropriate level of affordable housing, they will help Taunton to achieve it's full economic potential. Therefore, the proposals will provide for a residential extension to Taunton that will have the capacity to deliver an element of the future growth predicted and planned for Taunton.

Strategic Objective SO3:	An Effective and Confident Region
Regional Priority 3A:	Improve transport networks
Delivery Activity 3A.2:	Reduce congestion in the main cities and towns
Confirmed activity:	Invest in improvements that unlock the potential in other main cities and towns
Regional Priority 3B:	Promote and enhance what is best about the region
Delivery Activity 3B.2:	Build on existing strengths to develop the South West as the leading region for sustainable development
Delivery Activity 3B.3	Develop and promote regional attractions and events that will deliver significant and sustainable economic benefits
Confirmed activity:	Promotion of sustainable construction techniques for new

	development in the region Strategic Objective SO3 identifies the need to reduce congestion in the main cities and towns, and promote sustainable construction techniques in order to contribute towards developing and effective and confident region.

In relation to reducing the congestion in the main cities and towns in the region, it will be important to ensure that sufficient measures are put in place to minimise the impact of the development on the road network into Taunton. Hence the need for the provision of appropriate linkages between the site and the town centre.

In addition, the South West RDA would suggest use of the 'Sustainability Checklist', a new online tool that has been developed by Future Foundations and the Building Research Establishment (BRE) and is available at: www.checklistsouthwest.co.uk. Devised specifically to guide the design of new developments by making sense of current policy, the Checklist highlights best practice, complementing Ecohomes and the new Code for Sustainable Homes.

PARISH COUNCIL- Our preliminary grounds for objection are:

1.a) Traffic - the proposed development will impact on the roads through the village (especially Bishops Hull Road, Waterfield Drive and Bishop's Hull Hill) and these are not capable of coping with the extra traffic that the proposed additional 220 houses will generate.

1.b) That the proposals for the Bishop's Hull / Wellington Road junction exit only) are an unreasonable imposition on the village.

2. That the land is not designated for housing within the current local plan.

Further to the holding objection already submitted to you by e-mail on 10 December, I attach the following comments from the Parish Council.

From an initial check on the Transport Assessment there are several apparent anomalies, which require explanation before we can proceed:

- Why were the traffic counts carried out in late May? This is a period near to school and public holidays when local traffic movements are generally less than normal.
- Figure 4…There are several inconsistencies in the data. Although 252+359+127=738 vehicles join Silk Mills Road at Junction 2 to travel north, only 559+14=573 approach Junction 3, 559+40=599 leave Junction 3 but 787+45=832 arrive at Junction 4. There are similar discrepancies starting at Junction 4 and travelling south. There are two side roads in this section of Silk Mills Road for which no data is provided and although it is accepted that it is probable that more vehicles will emerge from them than will enter them it is unlikely that the substantial differences noted above can be accounted for in this way. There are similar inconsistencies in Figure 5 and for both diagrams these apply to Wellington Road as well as Silk Mills. It is obvious that there is a considerable level of error in the diagrams sufficient to make the entire assessment worthless.
- Figure 10…Why has it been assumed that all the traffic from the development will turn right (south) on to Bishops Hull Road? People wishing to visit the Post Office and/or school and those with travelling to Staplegrove and North Taunton will surely turn left (north) using Bishops Hull Hill or Netherclay to reach Silk Mills Road and their destination.
- Figure 11…As above. People returning from North Taunton will use

either Netherclay or Bishops Hull Hill rather than queue along Silk Mills Road as far as Waterfield Drive. There is also the distinct possibility that other travellers will use these roads to avoid the Silk Mills roundabout and return to Wellington Road exiting via the proposed signalised junction.

- The above will increase traffic on Bishops Hull Hill, Netherclay and Shutewater Hill. The closure of Bishops Hull Road to traffic from Wellington Road will probably increase the use of the lanes between Bishops Hull and the Bradford on Tone and Cotford Saint Luke areas as 'rat runs'. These are already used in this way and an investigation of these lanes is necessary. Assessments of the Bishop Hull Road/Shutewater Hill and the Bishops Hull Road/Waterfield Drive junctions are necessary to assess the effects of the proposed development on these local roads.
- Figures 10 – 18 incl…None of these diagrams give turning information for the Gillards junction and the Mountway Road arm of junction 4. This information is necessary to check vehicle movements at other junctions.
- Figure 12…Although a total of 800 (741+59) vehicles travel south from Junction 4 only 576 arrive at Junction 3. As above some adjustment is necessary for the Mountway Road vehicles but it does appear that a considerable number of vehicles disappear between the junctions and there are no roads for them to exit into. There is a similar problem between Junctions 3 and 2 where 572+54= 626 leave Junction 3 but 182+196+404=782 vehicles arrive at Junction 2. Also the 335+130+395=860 that join Silk Mills Road at Junction 2 reduce to 119+572=691 approaching Junction 3. The 613 vehicles leaving Junction 3 increases to 852 at Junction 4. In short most of the vehicle numbers shown in the diagram appear to be inconsistent and since those numbers will have been used for junction analysis all those sections of the assessment are unreliable.
- Figure 14…The above is more or less repeated and the 665 vehicles exiting Junction 1 becomes 585 approaching Junction 2 and the only possible exit is the entrance to the Crematorium.
- Figures 15-18incl…Similar anomalies occur on all these diagrams and these obviously need to be corrected.
- The actual method of analysis needs further explanation. There is no point carrying out a 'freeflow' analysis when it is known that the junction is blocked by traffic queuing back from the next junction. The NWTP traffic study clearly showed that traffic from Bishops Hull Hill/Silk Mills Road/Mountway Road junction queued back to Wellington Road and therefore any analysis of the Waterfield Drive junction, which does not take this fact into consideration, is unreliable. A similar situation applies at other junctions.
- In fact the NWTP traffic statement, which was prepared for and approved by Somerset County Council, clearly indicated that the demand exceeded the capacity on at least one arm of every junction. In one example, the Mountway Road arm of Junction 4, the actual traffic being some 37% more than the capacity. Therefore it is surprising that this assessment concludes that all junctions are operable in 2018 when the earlier study reported them as overloaded in 2005. Perhaps the fact that the data was collected in May is a contributory factor.
- It should be apparent from the above that at present very little, if any, reliance can be placed on the traffic assessment submitted with the application.

Further to our submission dated 10th December 2007 the Parish Council wishes to expand on the preliminary grounds for objection:

1. Traffic:

- As detailed in our letter dated 27th. December 2007 the Traffic Statement submitted with the application is inconsistent and appears to contain many obvious errors thus preventing meaningful analysis of the application. Further consideration will have to be given to the corrected information when it is received. This may result in the Waterfield Road/Silk Mills junction having to be signalised with the existing adjacent pedestrian facilities incorporated into the revised layout. Improvements to Bishop Hull Road and the provision of footways from Wellington Road to the centre of the village would be necessary. The prevention of 'right turns' from Silk Mills into Netherclay Road may also be necessary to prevent traffic travelling through the village to access Wellington Road at the new junction.
- The Traffic Statement wrongly assumes that no traffic from the development will access the roads through the centre of the village. With a development so near to the centre it is inevitable that there will be an impact on both the roads through the village and other minor roads used as 'rat-runs' to avoid the already congested Wellington and Silk Mills Roads. There will be increased traffic flows on Bishops Hull Road, Waterfield Drive, Shutewater, Netherclay and Bishop's Hull Hill. This will be through a Conservation Area and by the village school. Those roads are narrow and already congested and do not have the necessary capacity for increased flow. Policy C1 of the 'Panel Report on the draft Regional Spatial Strategy for the South West' (RSS for SW) indicates that such development is inappropriate.
- The proposals for the Bishop's Hull / Wellington Road junction (exit only) are an unreasonable imposition on the village. These will isolate another part of the village. The Silk Mills Road and the bus gate in Mountway Road already divide the village and further division would be unacceptable.

- 2.Planning:
- The land is outside the settlement limit and not designated for development within the current local plan. We believe that adequate provision is already available inTaunton Deane and that if the necessary progress is not being achieved that this is in part the fault of the applicants in relation to land already scheduled for housing.
- The proposed development is on land is to the south west of Taunton and the recent RSS for SW includes a requirement for 3000 properties with any necessary infrastructure improvements in that area. Therefore this application is premature and should be considered as part of that requirement and subject to consideration as part of a Local Plan.

Parish comments dated 3 March 2008 -

Parsons Brinckerhoff's (PB) response to the Parish Council's letter dated 27th December 2007 is noted and considered disappointing. For this application the TDBC Planning website includes twenty-eight pages of entries and the majority of these are representations (i.e. objections). Effectively this means that in the order of *350* local residents have already objected to these proposals with the major concern being the traffic implications. Such concerns should not be ignored but should be

reasonably and professionally addressed.

For the purposes of this response the five issues PB have identified will be accepted and commented upon:

a) Although the letter accepts that the traffic data collected at the time of year chosen by PB it is less than the annual average no attempt has been made to correct this low survey information. This is unfortunate and gives a misleading impression of the consequences of the development.
b) The corrected diagrams are noted and have been examined. Although Figure 4 indicates that there are 782 vehicles travelling south from Junction 4 towards Junction 3 only *563* actually arrive. In other words some 219 vehicles (i.e. 28 *%)* disappear between the junctions. A discrepancy of this order is significant and cannot be accepted as within normal working practices. Other similar errors occur on both this and the other traffic flow diagrams. By way of contrast the corresponding data for H G vehicles indicates that the 21 leaving Junction 4 increases to 33 arriving at Junction 3!!
c) Our letter dated 27th December suggested that some traffic from the development would turn north to pass through the village and that not, as assumed in the traffic assessment, all traffic would turn south. These vehicle movements would occur because people would either have reason to call in the village (shops or school) or would be using the lane through Netherclay as a short cut to bypass the congestion on Silk Mills Road. Since they would not be travelling directly to the Bishops Hull Hill junction the comparative journey times from the development to that junction are of absolutely no relevance or importance. To contend that absolutely no traffic from the proposed development will turn north towards the village is completely unrealistic.
d) PB's response does not address the problem highlighted in our earlier letter. To be appropriate any junction analysis must reflect the actual conditions and the use of any method that assumes that there is a 'free flow' condition in the exits from the junction is absolutely irrelevant when the exits are congested and not flowing freely.
e) Again PB has not responded to the highlighted discrepancy. This queried why, despite annual increases in traffic, this assessment indicated that junctions would be operating within capacity in 2017 when the NWTP traffic report indicated that they would all be congested in 2005. Perhaps the inadequacy of the data collected is a contributory factor.

The overall conclusion is that the Traffic Assessment is inaccurate, unreliable and does not reflect the actual situation that is of concern to so many local residents. The Parish Council wishes to maintain its objection to the application and concludes that because of the impact of the traffic on the local roads that are already experiencing problems at peak times it should be refused. Also, although the proposals for modification of the Wellington Road/Bishops Hull Road junction may comply with the relevant design standards the social impact of further segregating the village is unacceptable.

Because of the shortcomings of the Traffic Assessment it follows that some common sense and local knowledge should be used to assess the impact of the proposed development. If it were decided that the application should be approved

the Parish Council would expect the following improvements to the local roads:

- There will be increased traffic along Bishops Hull Road and this narrow sub-standard road needs reasonable improvement. In some places where there is an existing footway there is need for improvement. In other places where none currently exists a footway should be provided. Incidentally the traffic flows for this road on Figures 4 (2006 as existing) and 17 (2017 with increased traffic from the development) are both less than some recent counts carried out by local residents in the presence of the police.

- Traffic along Waterfield Drive will more than double and there are already problems exiting from that junction onto the Silk Mills Road. Therefore a fully signalised junction is necessary with the existing near by pedestrian facilities transferred to the new junction.

- To reduce the possibility of increased rat-running through the village right turns from the Silk Mills Road into Netherclay Lane should be prevented.

The other aspects of the objection included in the letter dated 27th December 2007 remain as serious concerns and the Parish Council strongly recommend that the application be refused.

Further comments from the Parish Council summarizing their objections have been received as follows:

The following is suggested as a realistic approach to the traffic aspects of the above application, which the Parish Council has objected to. Planning aspects are considered separately.

Traffic

1) It is essential that the traffic statement submitted with the application should be corrected to be accurate and based on reasonable assumptions. The present document contains many basic errors, is based on traffic data lower than actual flow, and unrealistically assumes that no traffic from the development will travel to or from the village.

2) It is important to remember that the centre of the village is a conservation area where there are several early 18th century properties near to the narrow roads. In fact in some are adjacent to it.

3) There are mixed views about the proposal to modify the Bishops Hull Road/Wellington Road junction by introducing traffic signals and not permitting traffic from Wellington Road to enter B H Road:

- Even though there is not a particularly bad accident record it has to be acknowledged that the proposed junction would be safer than the existing.
- Concerns about the use of B H Road as a rat-run have been raised over many years and that is one of the reasons traffic calming measures were introduced when the Silk Mills scheme went ahead. Although the proposed junction would completely eliminate this problem in one direction it will probably encourage it the other way (Staplegrove area to Wellington Road). Banning right

turns from Silk Mills into Netherclay would go some way to correcting this.

- The proposals would have unfortunate social consequences. The residents of part of the village would have to travel further to access the village shops, school, church and other community facilities. In fact it would be the third such division of the community.

4) Based on previous discussions the Parish Council has concerns about the following:

- Increased traffic through the village (Bishops Hull Road, Netherclay and Bishops Hull Hill). All these roads are narrow and unsuitable for large traffic flows. In fact the Local Action Team have been addressing the situation by carrying out 'Speedwatch' checks. The suggestion to check Netherclay is not proceeding on the advice of the police who state that there is no suitable safe place to conduct the survey.
- Increased traffic flow passing the local primary school - at peak times queues already extend past the school from Silk Mills Road.
- Similarly problems arise about the use of Shutewater Hill, another narrow road with two-way flow not possible over part of its length. This is already used as a rat-run from Cotford Saint Luke, Bradford on Tone and Rumwell. This use would inevitably increase if the revised junction proposed was implemented and the rat-run traffic then has to travel through the village.
- The safety of pedestrians along those sections of Bishops Hull Road where there is not a footway. Concern about the lack of a footway has been expressed many times. Although all sections need attention this would be a particular problem between Waterfield Drive and the access to the development if it were to proceed.
- The increase in traffic using Waterfield Drive (a virtual doubling) would exacerbate the existing problems at the junction with Silk Mills Road. That junction should be improved by the introduction of traffic signals. The existing pedestrian crossing being incorporated in the new layout.

<u>Planning</u>

- The present status of the fields arises from the Public Inquiry into the TDBC Local Plan. The Inspector suggested that TDBC should consider whether the fields should be within the development limit. Presumably they did so and decided against inclusion. In other words it was a TDBC decision not to include the land within the development limits <u>not</u> a decision by the Inspector.
- There is possible case to make about the application being premature. The recent report about housing development proposes some 3000 houses in Comeytrowe and acknowledges that some infrastructure will be necessary. Therefore there is a case that this application should be considered as part of that process.
- Bishops Hull Road for the most part presently forms a sustainable boundary to the village and should not be breached.

PARISH COUNCIL comments received 31 July 2009

Although the main objection has been separated between two headings, traffic and planning issues it is noted that Taunton Deane have already refused an

application to develop this land and declined to include it in the local Plan after the receipt of the Inspector's report and presumably giving it due consideration.

a) the initial refusal is detailed in a letter dated 16th March 1989. The reasons for refusal can be summarized as :

1) The site is outside the designated settlement in open countryside where development is resisted except where it serves a genuine agricultural or other appropriate need.

2) Damage to the rural backcloth to the village to the detriment of the character and amenities of the locality.

3)Safety and convenience of road users because of the inadequacy of Bishops Hull Road and the significant increase in turning movements at the A38 junction.

4) The proposal would be detrimental to the character and amenities of Bishops Hull Road and the village because of additional traffic.

b) It can only be assumed that it was not included after the Inspector's report because there were other more suitable sites.

Although it is obvious that with subsequent growth some of the situations relating to those reasons are now more onerous it is important to note that they are all still relevant and apply just as much today as they did earlier when the appropriate decisions were made.

TRAFFIC

1) It is important to remember that the centre of the village is a conservation area where there are several 18th century and earlier listed buildings near to or adjacent to narrow roads. There are also local shops, the church, an inn and a hotel in the centre of the village and consequently the area is already heavily trafficked.

2) A traffic assessment is a necessary part of all significant planning applications. It is obviously something that must be seriously considered and therefore should be accurate and correct. The letter from the Parish Council dated 27 December 2007 lists numerous anomalies in the original document and it is noted that few, if any, of these have been corrected in the recently submitted addendum. The fact that Figure 4 indicates that in the morning peak 738 vehicles leave junction 2 to travel to junction 3 (Waterfield Drive) but only 599 arrive is an error of 23%. Similarly only 563 vehicles arrive at junction 3 even though 782 left junction 4. This is an error of just 40%. Clearly the traffic assessment is inaccurate and it follows that the junction analysis results are unreliable. This is particularly so for Waterfield Drive and Silk Mills Road junction where an accurate analysis would probably require the introduction of traffic signals.

3) There is an obvious underestimate of the traffic flows and this is confirmed by a comparison with the Traffic Assessment produced by the Somerset County Council for the North West Transport Package(NWTP) (the Silk Mills Bridge and Park and Ride scheme) which relates to the same roads and junctions. That report indicates that with the Park and Ride scheme in operation at least one arm of every junction is overloaded, ie. demand exceeds capacity in 2005. By way of comparison the assessment for this application claims that, apart from the A38 Silk Mills Roundabout, all junctions are satisfactory 13 years later in 2018. Obviously both cannot be correct and it is significant that predictions such as queue lengths in the NWTP Assessment are already regularly exceeded. As an example the anticipated queue of 49 pcu's (cars) from Bishops Hull Hill north along Silk Mills road towards the Park and Ride would have extended beyond the start of the bus lane to just

before the bridge over the River Tone. In practice the queue regularly extends beyond the bridge and can extend as far as the Staplegrove roundabout. This establishes the fact that if anything the NWTP Assessment was conservative rather than excessive.

4) It is also noted that the Assessment reports analysis results are from 2008 and 2018 when in effect the development traffic will probably not occur until 2011 or possibly later. The demand to capacity results will obviously be greater for 2011 than those for 2008 and in cases will exceed the recommended 0.85 value normally used as acceptable criteria.

5) A further complication is the reliance on the PICARDY and ARCADY computer programs for the analysis of the various junctions. Both of these are based on the assumption that there is 'free flow' through the junctions and so are not strictly relevant when the exits from the junctions are obstructed. Since all the junctions considered are at times completely congested the 'free flow' requirement does not exist and so although the analysis is a guide it is not a strictly correct interpretation of the actual situation. Actual delays and queue lengths are likely to be greater than those predicted by the PICARDY and ARCADY analysis.

6) It follows from the above that conditions at the Waterfield Drive/Silk Mills Road junction are likely to be much more onerous than those predicted in the Assessment. The vehicle flows need to be increased by up to 40% and the analysis will underestimate the delays. Therefore improvements are necessary to ensure that the junction functions reasonably. Traffic signals should be installed with the existing adjacent pedestrian crossing repositioned within the junction.

7) The Parish Council has been concerned about the conditions on Bishops Hull Road for many years and these were recognised by Somerset County Council during the design stages of the NWTP. The concerns relate vehicle speeds, lack of footways and the low standard of the road itself and although they are relevant for the full length between the centre of the village and the junction with the A38 Wellington Road they are of particular concern for the section between Waterfield Drive and the A38. Having recognised the problems SCC as part of the NWTP introduced a 20mph speed limit, constructed speed humps with traffic controls as well as some additional footways. Having already recognised and accepted these concerns SCC must surely continue to take measures to overcome them. Although these concerns are not now being addressed they are recognised in the application at Paras.5.3.1 and 2 of the Assessment.

8) A particular case in point is on Figure 9B where the footway introduced in the NWTP scheme is eliminated by the revised road alignment associated with the emergency site access. That proposal is completely unacceptable and should not be approved as part of the application.

9) In fact despite the improvements introduced as part of the NWTP conditions on Bishops Hull Road continue to be of concern. Recently the Bishops Hull Local Action Team (LAT) has been working with the Neighbourhood Beat Manager on 'Speedwatch' surveys of the road. As a consequence of her experiences during those surveys the Neighbourhood Beat Manager has set out her concerns about speeding traffic, safety and traffic volumes in her note dated 17th July 2009. In fact to a large extent her view echo those that the Parish Council previously expressed.

Any development on land to the west of the road will only exacerbate the existing problems and action must be taken to introduce further improvements. As well as improvements to the road itself where at present none exists a footway is necessary from the centre of the village to the junction with the A38 Wellington Road and the need is obviously greatest between the access to the development and the A38 where traffic flows will increase and be greatest.

10) Of particular concern is the standard of the road between Waterfield Drive and the A38 where there is no footway or cycle-track and the road itself is only 4.6m wide. The original proposal for modification of the A38/Bishops Hull Road/Comeytrowe Road junction included traffic light signals and the banning of vehicles from turning into Bishops Hull Road and the reasons for those modifications are set out in paras 7.3.1 and 2 of the superseded part of the application. In the Addendum that junction has been modified to and no longer caters for the problems outlined earlier (para 5.3.1 and 2). The revised layout which is apparently proposed by SCC (Para 7.3.1) permits vehicles to enter Bishops Hull Road from the A38 and will result in demand traffic flows in excess of the capacity of the road. In the morning peak a queue of 25 vehicles stretching back to Waterfield Drive is predicted thus preventing both that junction from operating efficiently and residents of properties along that section of road exiting and entering their properties.

11) It is understood that because of their concerns about the existing situation Avon and Somerset Police Traffic Monitoring unit has recently written to SCC asking that they consider further traffic calming measures and traffic regulation on Bishops Hull Road and commenting that unless it is brought up to standard the road can not safely accommodate the extra traffic the development will generate.

12) It is normal to assume that each dwelling generates seven vehicle movements per day and with an already unsatisfactory situation it is difficult to imagine how serious conditions would be if that extra traffic (1440 vehicle movements) had to be accommodated on the existing road.

13) The assumption in the assessment that all traffic from the development will exit to the south is impossible to justify. Clearly some will go north either to shops in the village or to the school or to take a short cut through Netherclay to avoid all the delays on Waterfield Drive and Silk Mills Road. The latter already occurs and it will become more attractive as congestion inevitably increases.

14) It is noted the report on the draft Spatial Study includes policy C1 which states that development will be appropriate where it does not significantly increase traffic on local roads and where traffic implications can be demonstrated to be acceptable. The proposed development does not meet these criteria.

PLANNING
There are several comments and points of objection:
1) Although it is accepted that as a consequence of Government policy TDBC are expected to provide a considerable number of extra houses it is important that these should be planned and controlled to avoid as far as possible unnecessary adverse impact on the existing communities and existing development. The approval of applications from developers not compliant with the existing local plans and policies just to avoid an appeal would only encourage other similar applications and in effect allow the developers to take control.

2) As part of the overall requirement the Regional Spatial Strategy is likely to require a development of about 7000 houses in Comeytrowe and it is difficult to understand why all development should not be concentrated there so that the infrastructure, shops, schools, medical facilities and community facilities can be provided to minimise the impact. Piecemeal development adversely affecting other nearby communities should be prevented whenever possible.

3) The site for the proposed development is in the open countryside outside the approved Local Plan boundary for development where there is strict control over new development. It is understood that applications for such sites must demonstrate that the local authority does not have an adequate supply of land available for development and that the actual provision of houses is less than that programmed. It is understood that both these requirements are being met and therefore the application has no justification. Adequate land is allocated and in the present economic situation failure to complete development is more the understandable action of developers rather than any situation created by the local authority.

4) The site consists mainly of Grade 2 and 3a land. Since planning policy requires authorities to seek to use land of lower quality development of the site is not appropriate.

5) The site is adjacent to the Special Landscape Feature 'Stonegallows Ridge' which has been a protected landscape feature for many years. Any development would be visible from a wide area and would have an adverse visual on the area destroying its character and appearance and diminishing its landscape quality. Similarly there will be a visual impact on the view from the existing development which forms a natural backdrop to the village.

6) The ridge line formed by the existing Bishops Hull Road forms a natural boundary to the village which should not be breached.

CONCLUSION

1) For the reasons set out above the Parish Council opposes the application for residential development of 7.65ha of land to the west of Bishops Hull Road and requests that the application be refused. The development would seriously impact on the village without any apparent benefit. The major concern being the increase in traffic which would further congest already congested roads where there is considerable concern about safety. In particular Bishops Hull Road, where Avon and Somerset Police have voiced similar concerns, is sub-standard and inappropriate for the increase in traffic that would be generated by an additional 220 houses. In addition both local and national planning policies and requirements relative to this type of application do not appear to have been met.

2) It should be noted that all the reasons set out in the letter dated 16 March 1989 refusing an outline application for the same land are still pertinent and because of growth and development since that date in some cases are more relevant.

3) If however it is decided to approve the application then certain conditions should be required:
a) Improvements to Bishops Hull Road are essential. The section between Waterfield Drive and the A38 needs to be widened to at least 6m to cater for additional traffic. The junction at present being proposed which has apparently been

designed by Somerset County Council needs to be re-examined. In many ways the it is less practical than the original submission from Persimmon who recognised the need to reduce the amount of traffic and improve safety over this section (see paras 5.3.1 and 2 of the Traffic Assessment). This was achieved by preventing vehicles from turning into Bishops Hull Road from Wellington Road and this had added benefit of eliminating rat-runs through the centre of the village and through Netherclay.
b) The remaining section of the road should be improved and widened to the same standard and where none already exists a footway should be provided all the way from the centre of the village to the junction with the A38 Wellington Road.
c) Further traffic calming and traffic regulation is essential to control the traffic and minimise the impact on the village and conservation area.
d) The above comments are separately supported by the Avon and Somerset Police.
e) The emergency site access shown on Figure 9B must be modified to retain the footway on the east side of the road introduced as part of the NWTP scheme.
f) The Waterfield Drive/Silk Mills Road junction should be modified. Traffic signals should be introduced and the adjacent existing pedestrian crossing moved to be within the new junction.

4) Other concerns are
a) It is not understood why Somerset County Council has put forward an alternative proposal for the A38/Bishops Hull Road/Comeytrowe Lane junction. Not only is this clearly stated in Paras 7.3.1 and 2 but the layout drawing (Figure 12) is noted as an 'SCC Design dwg'. Surely such action should be wholly the responsibility of the applicant and it renders any response by SCC on the traffic assessment meaningless.
b) The actual Traffic Assessment is badly flawed and inaccurate. Basic assumptions are obviously incorrect and with errors in the order of 40% the standard of simple numerical accuracy leaves much to be desired. The use of incorrect values in junction analysis make the whole operation meaningless. The acceptance of such documents devalues the requirement to prepare and present such an assessment as an essential part of a planning application.

COMMENT ON 24/8/09
The first matter of concern is the fact that much of the Highways' letter is more related to planning rather than highways or traffic and therefore is outside the Highway Authority's area of responsibility. In fact the letter contains little of relevance to the highways and traffic consequences of the application. Although the letter acknowledges the fact that the development will add to the already existing congestion no attempt appears to have been made to assess that addition to determine whether or not the situation would become unacceptable. In fact because of numerous errors and incorrect assumptions of the Traffic Assessment and Addendum the information necessary for reasonable for meaningful assessment is not available. Planning applications cannot go unopposed on highway grounds on the basis that they just create further congestion on an already congested network. There must be a time when the congestion becomes unacceptable.
It is difficult to understand why the site is 'suited for development from a sustainability point of view'. The local roads are narrow and already congested; there are no cycle tracks, no footway alongside parts of existing roads and the local bus service can only be described as minimal. It is even more difficult to understand why the measures listed for inclusion in the Section 106 agreement will radically change the situation.
The Section 106 proposals need further clarification but with the assumptions made

need further actions: 1. it is difficult to understand why visibility requirements are to be included in the Section 106 agreement. The site access is included as part of the application and if it does not include 2.4 x 43m visibility splays the application should be refused. 2. Similarly the provision of a 2m wide footway should be included in the application. 3. The provision of footways from the village to the crossroads is welcomed but a minimum width should be specified. It is assumed the 2m wide footway above is in addition to and not part of this requirement. 4. It is assumed that the enhanced right turn is to be from the Bishops Hull Road onto the A38 Wellington Road and that the 'Prohibition of Entry Order' is a permanent requirement and not just temporary while the footway is constructed. If this is the case the indicative layout for the junction included in the Addendum to the Traffic Assessment at Figure 12 needs to be completely redesigned and details provided for consideration. This should be extended to include details of the footway on the western side of Bishops Hull Road and all the local residents who will be seriously affected by this modification must be consulted. In addition the existing road (4.6m wide in places) is inadequate for the increased traffic resulting from the proposed development. With the additional congestion arising it will be difficult and in some cases perhaps impossible for vehicles to emerge from houses and turn left towards the centre of the village. All residents not just those who made an earlier representation should be made aware and given opportunity to comment. If the right turn is to Comeytrowe Lane it is difficult to see how this is influenced by the proposed development and therefore the developer will be reluctant to finance the proposed development. 5. Details of the emergency access in figure 9b are unacceptable and an alternative layout should be provided. The existing removes the footway provided by the Silk Mills scheme and it does not comply with the above requirements for a footway. Full details of proposals should be part of the application and should include a footway. Decisions should not be based on matters being 'generally in accordance with' some details provided. If the lines indicate visibility it should be clearly stated on the drawing. If the outer lines are visibility splays it is difficult to understand why the one to the west is not straight. 6. It is assumed that each household will initially receive a payment of £300 with a maximum of two further payments per property if there is a change of occupancy in a five year period. In the first instance it is difficult to establish the financial requirement and secondly how will such a scheme be operated? If there is a change in occupancy 4.5 years after the start of the scheme how will the new occupant be aware of the entitlement and where will the funds to finance it be held? In addition the £300 payment (it is only sufficient for about one return trip to Taunton by bus per week) is so inadequate that it will be completely ineffective. Although the increased frequency of the local bus is welcomed it needs to be financed as a permanent provision and not just for a limited period. As presented the Residential Travel Plan appears to be no more than a public relations exercise and needs considerable further consideration. Details of the other measures in the plan must be provided. The increased bus frequency and travel vouchers are only part of the plan.

From the outset the parish Council has been concerned about the impact the proposed development would have on the already congested narrow local roads. It is noted that when the Inspector for the Taunton Deane Local Plan suggested that this site should be considered for development he did so on the understanding that:

"In relation to access there is now, however an agreed statement between the objector and the highway authority. Improvements to facilitate access to the development from the local road network include a new traffic signal junction at Wellington New Road/Bishops Hull Road cross roads to improve facilities for cyclists and to form a one-way egress southbound on to the A38. The agreement also refers

to improvements to the Silk Mills Road/Waterfield Drive junction to accommodate right turning traffic from Silk Mills into Waterfield Drive, and also to suitable traffic calming arrangements through Bishops Hull village to discourage the latter route being used.
I note also that the developer will enter into planning obligations to ensure that the site is properly connected to the cycle and pedestrian network linking it to the town centre. In light of these and other matters contained in the agreed statement I am satisfied that any current access difficulties can be properly and reasonably overcome."
It is noted that despite earlier submissions seeking their inclusion none of these are included in the application. It is obvious that the Inspector recognised the difficulty there would be with access if the development were to proceed and these problems still exist. It is difficult to understand why the original agreement the Highway Authority made is no longer considered appropriate.

COMMENT ON 17/9/09
The three year restriction on availability of funds for a village hall is unacceptable. A period of ten years is necessary to enable all the planning and other funding to be agreed. Details also need to be stated for when the ten year period starts, when payment will be made and who holds the funds. Either these need to be index linked or alternatively agreement settled about interest on the capital. The sum for sports/playing field provision should also be available for improving existing facilities such as playing fields and associated buildings. Full consultation and further involvement of the local community during the negotiations for the Section 106 requirements will be essential.
It is surprising that so long after the application was submitted only an 'Illustrative Layout' is provided. Despite agreement relating to the land provided for the Inspector for the TDBC Local Plan issued in 2004 to date no feasible layout has been provided and that leads to doubt about the ability of those concerned to provide one in the future. The layout is completely devoid of any dimensions and explanatory text and without that information it is impossible to properly assess the proposal which is a key part of the application. The increased traffic on the section of Bishops Hull Road between Waterfield Drive and the Bishops Hull cross roads will lead not just to more congestion on top of that which already exists but also to more dangerous conditions. With the traffic queued on the road vehicles emerging from the adjoining properties will not have sufficient space to negotiate to turn. In parts the existing carriageway width is 4.6m and it is probable that will reduce with the provision of the footway. The footway needs to be adequate for pedestrians with prams and so must be at least 1.5m wide clear of the presumably repositioned electricity supply poles. There should also be some provision for cycle lanes. It is inevitable that the final carriageway will be less than the existing and as such is unsuitable for two way traffic. Presumably that is why the agreement presented to the Inspector made this section of road one way. Since the application was first submitted the major concern has been the increased traffic on the local roads with the conditions on Bishops Hull Road being the most significant problem. The un-detailed illustrative layout is an admission that a feasible solution can not be found and since it is such a significant part of the application approval should not be considered without a fully detailed junction layout being included.
Without the earlier agreement between the applicant and the Highway Authority the inspector for the Local Plan would not have suggested that this site be given further consideration.

9.0 REPRESENTATIONS

WARD COUNCILLOR COMMENTS: (7/7/08) 1. The application for the development of green fields in open countryside beyond the limits of Bishops Hull and against the Taunton Deane Local Plan, adopted in November 2004 by everybody which is up to date with its plans and policies.

2. The Forward Planning Officer agrees that there is a five year supply of deliverable sites, he also states that “Deliverable” means available now, suitable for development and achievable (having a reasonable prospect of being delivered on site within five years). In the current housing conditions and looking to the future, it is most unlikely that this site would be deliverable.

3. The application site is not suitable for development. The local community facilities of shops, etc will be unable to accommodate the development of the site. The local secondary school is already full. The existing road network is poor and below current design standards and even with limited improvements will not be able to cope with the inevitable congestion of 220 houses. The village centre is a Conservation Area already congested with parked cars and the development will result in additional traffic passing through the village.

4. There is no assurance that the community benefits proposed by the applicant and those required by the Deane and the residents will be delivered. The applicant should be required now before determination to demonstrate that the development is viable enough to fund the planning obligations that are being sought.

5. The application site could cause severe environmental damage as no flood risk sequential approach has been undertaken according to Government advice.

6. The site is immediately adjacent to the Stonegallows Special Landscape feature and the proposed development would have a maximum impact on the surrounding countryside. It does not provide any meaningful barrier to further south or westward development.

7. The implications for Bishops Hull are both real and serious and I would strongly urge members of the planning committee to visit the site and make a judgement for yourselves and I am sure you will agree with me to refuse this very ill-considered application.

WARD COUNCILLOR MORRELL COMMENT: (22/1/07) I wish to object to the application and a comprehensive letter of objection will be forwarded in due course.

COMMENT 14/9/09 - As Ward Councillor I have challenged this application since it was registered. Together with the Parish Council, County Councillor, the Residents Group, Cllr Stuart-Thorn, the Police and others we have persevered in presenting arguments as to why this application must be refused. In addition over 500 letters have been submitted by local people concerned with the application, many portrayed in detail and articulated with common sense.

As elected Members and employed civil servants we have a duty to follow a course of action which is not only right for the local community but the wider interests of Taunton as a whole. It is for this reason why I urge the Planners and Planning Committee Members to refuse this application – thus confirming the sensible approach taken on a previous application to develop on this land (Application number 05/88/067). I have included details of this previous refusal and you will note that none of the substantive grounds or circumstances have changed for this application.

Taunton’s highway infrastructure is already having difficulty in accommodating

the current volume of traffic and it will be exacerbated if this development proceeds. However as the Local Planning Authority's own Forward Plan Officer has attested, some 480 homes are proposed in the Strategic Land Availability Assessment on this and adjoining sites – a material fact that cannot be ignored – and all with access on to Bishops Hull Road. As you are aware both the Highways Authority and the Developer admit that this initial development of 220 dwellings will significantly increase Taunton's traffic congestion.

Although the developer is offering Section 106 contributions for a green travel plan so to help alleviate congestion issues this will be for a maximum of five years. As the enclosed letter from Patrick Flaherty at Somerset County Council Highways attests the County Council can 'give no guarantee of continued financial support' after this period has expired. This planning application is proven not to be sustainable on highway grounds and must be refused.

I am aware the Local Planning Authority is concerned with the potential supply and delivery of new housing for the next five years but these nationally set targets for Taunton Deane are unachievable and your Forward Plan officers admitted to such in a meeting to Councillors on 9th September 2009. Therefore refusing the application would be in line with recent recommended guidance and procedure from the Audit Commission in their report titled "Building Better Lives" whereby they state the following must be material when considering house building and planning priorities:

"Demanding targets and a changing regulatory and funding regime oblige councils to embrace a strategic approach to housing. But delivering targets and satisfying regulators of funding criteria should not be ends in themselves. Only by thinking about the contribution of housing to their broader aims – creating vibrant, cohesive, sustainable communities where people want to live and work - will councils be able to achieve those aims."

In addition to the above highlighting yet further rationale as to why this application must be refused, the Council must make decisions on planning merit – rather than being concerned with having a potential challenge from the developer at appeal. As you will have read in the 500 plus letters sent to you there are a number of grounds to refuse this application which will be difficult for a developer to challenge including the fact that the proposals are on land which is not within the adopted Local Plan, has serious highway safety issues (as identified by the Police) and will damage the character and amenities of the locality.

It is therefore requested that the Local Planning Authority demonstrate community leadership and refuse this application.

COUNTY COUNCILLOR COMMENTS: (26/2/08) I wish to speak at the meeting when the application is considered. My objections are 1. the increased traffic generated will put an intolerable strain on residential roads such as Bishops Hull Road, which are narrow, lack pavements at some points and are already experiencing pressure at peak times due to congestion on main roads. I submit copies of traffic traffic surveys in morning rush-hours on weekdays in term times, carried out by myself and Parish Councillors which show considerable rat-running after the Silk Mills project was completed. The suggestion to stop left-turns into Bishops Hull Road from Stonegallows would

penalise residents for the problems generated by the application. 2. This application is for land not designated in the Local Plan and would open up the prospect of uncontrolled development on Greenfield sites further south, causing great stress and pressure on the infrastructure of Bishops Hull. 3. The application is premature and must be considered in conjunction with proposed development identified by TDBC in March 2005 in the Spatial Strategy for up to 7000 houses beyond Comeytrowe Lane. I note that the Forward Plan Unit consider that this proposal can be justified because of pressure on TDBC to deliver housing numbers beyond those identified in the Local Plan, but this development could be merely the first instalment in a massive over-development of south-wet Taunton which would put intolerable strain on all local roads, force children to be transported across town to schools their parents had not chosen because popular local primary and secondary schools are already oversubscribed.

(12/7/08) The absence of any significant measures to limit traffic flow along Bishops Hull Road and to improve pedestrian safety makes it even more imperative to refuse the application on highways, traffic and safety grounds. This accentuates the validity of objections on highways grounds made by myself and others previously.

(30/7/09) As the County Council are the Highways Authority I have confined my remarks to the Highway implications of the application. Firstly I support the detailed objection from Bishop's Hull Parish Council on grounds of unacceptable increase in traffic caused by the proposed development, together with inadequate measures to solve the problems arising, and a flawed and inaccurate Transport Assessment which clearly underestimates the increases in traffic flow. I write before Somerset Highways have responded to the final Transport Assessment but wish to give the following reasons why the Highways Authority should recommend refusal.

•No solutions have been found which will solve the problem of Bishops Hull Road and its junction with Wellington Road becoming congested well beyond its capacity as a result of this application. The only reason for the Highways Authority not recommending refusal on these grounds would be for officers to take the view that TDBC would not meet its housing targets unless some sites which might otherwise be refused on Highways grounds were accepted. I contend it should be for Members of the Planning Committee to make such decisions and the Highways Authority should not take housing need and housing targets into account when making recommendations.

• At an earlier stage in negotiations it was deemed necessary that traffic lights should be included to control the junction of Bishops Hull Road, Wellington Road and Comeytrowe Lane, as this is a notoriously difficult junction to cross or gain access to and the proposed development would exacerbate these problems and cause considerable tailbacks along Bishop's Hull Road. Highway Officers changed their view on the necessity of these traffic lights because they concluded that the extra delays the lights would cause to existing congestion on the A38 (Wellington Road and Stonegallows) would outweigh any easing of the increasing traffic congestion on Bishop's Hull Road. By accepting the need to make this cross-roads traffic-light controlled and then changing their minds without an alternative solution, Highways have implicitly admitted that the proposed development would cause unacceptable traffic problems with no adequate solutions.

• Despite the likely underestimates of increased traffic congestion in the TA, the TA acknowledges that key junctions will exceed capacity (7:3:4, 7:4:3, 7:4:5, 7:4:7). The TA acknowledges that "traffic modelling packages ability to

cope with severe over saturation levels is lacking and therefore can provide unreliable results" (7:4:6). The routes open to traffic issuing from the new development would add to the number of roads and junctions already at or near capacity at peak hours, including traffic flow accessing Silk Mills Road and the A38. The problem of Bishops Hull Road cannot be divorced from the increasing growth of congestion around the major arterial roads which surround and bisect Bishops Hull, inviting 'rat-running' within the village and causing problems for residents trying to exit Bishops Hull. When capacity is exceeded, the TA opts out of further debate by saying "as this junction (Silk Mills roundabout) has shown to be at capacity by 2008, in reality it is not possible for the junction to perform any worse" (7:8:6). This may be true in the virtual reality world of traffic modelling but in real life the increasing traffic beyond capacity is still there, queuing longer and longer. (I can add to the proof of the inadequacy of some of the assumptions of the TA by pointing out that when I organised traffic counts (with the help of Parish Councillors) between 7.30 and 9.00am at key junctions in Bishops Hull in 2007, we counted an average of 204 vehicles per period coming along Bishops Hull Road from the village centre. Of these 178 (87%) drove straight on to the junction with the A38, while 26 (13%) turned left onto Waterfield Drive to join traffic on Silk Mills Road. The TA says "for assessment purposes it has been assumed that 50% of development traffic travelling into Taunton will use Bishops Hull Road to the A38, with the remaining 50% using Waterfield Drive. Actual traffic counts show this to be wildly inaccurate. Our surveys also showed how traffic from within Bishops Hull dispersed along a variety of exits, including Shutewater, Bishops Hull Hill, Netherclay as well as Bishops Hull Road and Waterfield Drive. It illustrates the nonsense of the assumption in the TA that all traffic from the new development would exit to Taunton via Bishops Hull Road.

a) The suggestion that a 'Green Travel Plan' will help to reduce congestion is only superficially developed. There is no provision for cyclepaths or for a continuous footpath along an increasingly busy road, which will be greatly exacerbated by the proposed development. Indeed Figure 9b seems to show the removal of part of the existing footpath. In particular there is no footpath envisaged along the very narrow part of Bishops Hull Road between the Wellington Road and Waterfield Drive junctions. The Police have indicated their concern with speeding traffic and the inadequacy of existing traffic calming, backed by evidence from the LAT's Community Speedwatch. If it is argued that Bishops Hull Road does not have enough width for a continuous footpath and cycleway, that is more evidence of its unsuitability to cope with the increasing demands of any new development added to existing incremental traffic growth.

My objections are not an exhaustive list, because I am simply adding to those already given by Bishops Hull Parish Council, the Police, the Local Resident's Action Group, among others. I have deliberately concentrated only on the areas relevant to the County Council responsibilities. I would add in my capacity as Borough Councillor for Comeytrowe that I do not believe this application should be considered in isolation, but in the context of the Spatial Strategy proposals for large-scale housing beyond Comeytrowe Lane which would cause massive problems with transport, education, infrastructure etc.

BISHOPS HULL RESIDENTS GROUP submitted a consultant's report which raises objection and has the following summary. The application is located in open countryside beyond the defined limits for Bishops Hull. It is common

ground that the application proposal fails to accord with the provisions of the development plan. There is therefore a presumption of refusal unless material considerations indicate otherwise.
There is a five year supply of deliverable sites and therefore no need at this stage to release additional land for development.
The application site is not a suitable site for development. The local community facilities are both inadequate and deficient to accommodate the development from the site. Jobs are not convenient to the application site and the road network is already recognised to be unacceptable and wholly inadequate to cope with traffic generated by the development.
No significant improvement to the existing road network is planned for, despite the scale and the extent of the traffic generated by this development. In these circumstances the village centre and the adjoining roads will be unable to cope with the additional traffic that will use the highway work network.
There is no assurance that the community benefits proposed will be delivered.
The Community Engagement exercise is seriously deficient.
The application site causes severe environmental damage.
Any need which might exist should be dealt with by a properly planned exercise which examines, in conjunction with the community, the relative potential of all suitable sites. Acceptance of an individual application gives rise to a “free for all” where it is “first come first served” and no comparative exercise as to suitability is undertaken.
For the following 13 reasons planning permission should be refused
i) Conflict with the Development Plan
The applicant admits the proposal is in conflict with the adopted Local Plan.
ii) Flawed self interested assessment of need to justify conflict
The applicant’s justification for saying that planning permission should nevertheless be granted, namely that there is not a five year supply, is based on erroneous judgements. As your officers have demonstrated there is a sound 5 year supply. The applicants 5 year supply is fatally flawed because it turns on a site they control and have an interest, as far as the promotion of the Bishops Hull site is concerned, in claiming that it will not come forward.
iii) Prematurity
Central government advice in the Planning Policy Statement 1 supplement is that where a proposal is so substantial “..that granting planning permission could prejudice Development Plan Documents by provision with regard to scale and phasing of development it may be appropriate for this reason alone to refuse planning permission.”
iv) Consistency of Approach
Members of the Council have on 2 separate occasions rejected this site as a housing site. If members are to act consistently planning permission should be refused on this occasion also. Any case to the contrary should be made in the context of the Development Plan Documents.
v) Calcutt Review: No need for Urban Extensions
The Government’s advisor, John Calcutt has reported that Local Planning Authorities should not have to resort to urban extensions to find housing land. It would be contrary to this advice to grant planning permission. Permission should be refused.
vi) Greenfield Site
The site is unsuitable for housing because it is a greenfield site and central government express an unequivocal preference for brownfield sites.
vii) Site in Open Countryside

The site is unsuitable for housing development because it is a site in open countryside which central government stresses should be protected for its own sake.

viii) Landscape Impact

The site is unsuitable for development because the site is a very prominent site and the development would have a maximum impact on the surrounding countryside. This detrimental impact is sufficient to warrant refusal of planning permission.

In respect of a previous application on the site in 1988, the Council's Landscape Officer stated 'I consider this to be a very prominent site. Any new development would have a maximum impact on the surrounding countryside'. Clearly there has been no change in the character of the site or the surrounding countryside which would justify a different view being taken now. For this clear reason planning permission should be refused.

ix) Flood Risk

The site is unsuitable for housing development because it is likely to increase the risk of flooding elsewhere, especially of land to the west. The proposals are therefore contrary to government advice as expressed in PPS25 and planning permission should be refused.

x)Traffic Chaos

The site is unsuitable for residential development because the measures necessary to deal with the traffic attracted to, and generated by the development which would cause traffic chaos in the heart of the village, at the junction of the A38, and with Silk Mills Road and for this reason also planning permission should be refused.

xi) Unsuitable Location

The site is an unsuitable location for residential development as insufficient and inadequate facilities exist within the community to deal with the needs of the residents of the development proposed. Central government advice is that in these circumstances planning permission should be refused.

xii) Flawed Community Engagement Exercise

The Community Engagement exercise carried out in respect of this development was deficient and contrary to the Council's adopted policy. Planning permission should not be granted in the absence of a meaningful and comprehensive community engagement exercise.

xiii) No Assured Community Benefits

There is no assured community benefit arising from the development which would compensate for or mitigate the loss or damage created by the development. Planning permission should not be granted in view of the impact of the proposal in the absence of such assured benefit.

Further comments from the Resident Group raise the following issues:

The site is not needed for development and is unsuitable when considering the safety of existing residents and those that would live on the proposed development.

The TA is incorrect and Bishops Hull Road is unclassified with a 20mph speed limit and the section from Waterfield Drive to the crossroads meets no highway standards, is not proposed to be changed and this is unacceptable.

No cycle routes are identified and there is no crossing of the road identified which will make the situation hazardous with people having to negotiate cars queuing ion the road.

No bus stops are shown associated with the development.

The A38 crossing is dangerous and a pedestrian controlled set of lights is

required.

No further development should take place to the west of Taunton until S.C.C. undertakes a complete study of highway requirements that will develop a major scheme as part of the Local Transport plan. If precedent is set allowing this development then developers will request building whether inside or outside the Local Plan with little or no regard to highway requirements.

It is of great concern that no mention is made of how construction traffic will impact on local roads and what measures will be taken to reduce this.

There is inadequate costing of the open space, drainage, highway works and affordable housing for a proper economic assessment to take place.

The Highway Authority comments are outside their authority and do not take notice of comments by the Parish Council, Councillors, residents and the police.

The development will add to congestion with queuing at the main road junctions of Bishops Hull crossroads, Silk Mills roundabout, Silk Mills Road/Waterfield Drive and Bishops Hull Hill/Silk Mills Road. No revised traffic assessment has been submitted.

The Highway view that the site is sustainable but that without traffic lights the development will add to congestion but is still ideally suited from a sustainability view is unacceptable logic.

The proposal will not change the modes of transport for new and existing residents. The bus service will be slow with no dedicated bus lane and will not lend itself to the public getting to work quickly or on time. It will not be sustainable, is expensive and would not provide the stringent radical travel plan envisaged by Highways.

The travel voucher would only cover 94 return journeys and would discriminate against existing residents.

The current highway requirements are different from that stated to the Local Plan Inspector and the differences are (1) no traffic signal junction at Bishops Hull crossroads to improve facilities for cyclists and to form a one way egress south bound onto the A38 (2) no improvement to Silk Mills road into Waterfield Drive to accommodate right turning traffic and (3) no properly connected cycle and pedestrian network linking to the town centre.

The development will add significantly congestion, the TA produced is flawed and there are no cycle paths.

The application can only be recommended on the basis to meet targets for housing within the Taunton area. Case needs to be taken by both the Planning Department and Committee that precedents will be set to enable developers to secure planning without regard to planning conditions, the Taunton Deane Local Plan and where unacceptable levels of traffic conditions exist.

BISHOPS HULL RESIDENTS GROUP Update Sheet Addendum

The application is well beyond the statutory period and in view of clear policy objections should have been refused.

The draft Regional Spatial Strategy is an important document, however the publication has been delayed and there is uncertainty over the timing of publication and level and distribution of growth. It would be wrong to permit development on this site which might not be needed and decisions should await the final publication of the RSS and its considerations. The publication of the RSS will bring it close to a general election and if there is a change of Government there will be significant changes in respect of the RSS. The scale of growth of Taunton Deane was subject to strong objection from the Council. It would be perverse if the Council grant permission for

growth which was opposed especially when there are prospects that growth of that scale will not be needed.

The Highway Authority has accepted the proposal will increase road congestion. The Highway Authority suggest if Taunton is to fulfil the role identified for it in the Draft RSS it must accept congestion as a whole in areas identified for development and that this is acceptable. The Residents' Group believe this a mistaken view and the outcome must decrease substantially the attractiveness of Taunton as a place to live and work. Investment is likely to decline and jobs more difficult to obtain. Junction blocking and traffic queues will increase causing pollution of noise and fumes. This cannot be right as the community will foot the bill for remedying the problems in future. This is opposite to what the Government intended in introducing the concept of Planning Contributions. Each development must ensure impact and costs upon community infrastructure in respect of roads, education and open space and such matters is dealt with by that development. If it cannot then permission should be refused. Need for a proposal is not sufficient to set aside these obligations. It cannot be sensible for an authority to permit a development knowing it will increase congestion and pollution. Clearly permission should be refused for this proposal.

Each development is expected to ensure demands imposed on community infrastructure are met. Original representations drew attention to the developer failing to make any commitment to make appropriate contributions. A significant number of contributions have not been costed yet items known about amount to just under £2 million. Provision of additional items could add significantly which would total £3m/4m or more. There is no indication that the Development can bear the costs in the current economic climate. Given the reluctance of the developers to meet such costs it would be dangerous to permit such development without the Council being sure the development can bear such cost. A viability assessment is essential and permission should not be granted until it has been independently examined and tested. If the development cannot bear such costs and has to wait an upturn in the economy, then the applicant's case based on contributing to the five year supply simply falls apart and the justification for the development will no longer exist.

Permission should be refused and thirteen grounds are identified in the original submission. The disadvantages are increased highway congestion, increased pollution, significant visual impact on upon a high quality landscape and lessening the quality and attractiveness of the village. The only merit put forward of significance is the lack of five year land supply of deliverable sites of which there is a need. The Residents' Group do not accept that case, but if a need did exist it could be met in a number of locations within Taunton where the impact is not as severe.

For the reasons set out the Residents' Group urge the Council to refuse permission for this development.

The indicative layout does not provide full access details. There is no accurate road survey, the road is not constant width, there is no 2m footpath, the plan does not show north of Hillside, there is no prohibition of entry details, enforcement of no entry will be extremely difficult, no facilities for cyclists and it is not clear how the road will be made safe, no safety requirements for cyclists crossing the A38 and unclear how pedestrians will cross safely, full details of crossings should be shown, there is no lighting detail of the crossroads, how with no alteration to carriageway width have the

Technical and Safety audits been carried out, how will residents' access will be affected, there is no detail how traffic calming will be assessed or options to facilitate the reduction of speed and no accurate up to date Transport Assessment.

307 LETTERS AND E-MAILS OF OBJECTION from 256 properties have been received raising the following issues

The current infrastructure will not cope with the increase in traffic, with the Norton Fitzwarren development nearing, grid lock will result and despite the shortfall in housing the infrastructure cannot be expected to cope with the increases in traffic.
It will put the clock back in terms of traffic in the village.
Traffic management proposed non-workable and non-sustainable.
Significant impact on highway infrastructure and there is already severe congestion at peak hours. The minimal traffic calming has little effect. The village is already used as a rat run.
Difficulty in leaving the drive
A smaller development of 50 dwellings may be acceptable with changes to the junctions and traffic lights to Waterfield Drive/Silk Mills may be necessary.
The additional traffic on adjacent roads would be highly detrimental to traffic flows. It could lead to more frequent gridlock in the area. There is already severe congestion at rush hour with the new bus route and traffic lights along Silk Mills Road.
The junction should allow turning right up the hill into Bishops Hull Road.
Should the one way system be implemented the residents of Great Mead and Bakers Close will be living on an island.
There will be long delays at the Waterfield Drive/Silk Mills junction as it will be used more and the junction should be improved with traffic lights or a roundabout.
The Transport Assessment states the Silk Mills/Cornishway roundabout is at capacity so traffic will exacerbate an already unsatisfactory situation.
Extra traffic from future development in Norton Fitzwarren and east of Silk Mills has not been taken into account.
There are deficiencies in the numbers and data of the Transport Assessment which must call into question the whole basis of their recommendations. The figures assume that no vehicles will turn left through the village. There will be significant impact on the capacity of the adjacent road network. There is no right turn lane into Waterfield Drive from Silk Mills as envisaged by the Local Plan Inspector. There is sub-standard visibility at the junction of Waterfield Drive and Bishops Hull Road. The Silk Mills roundabout is over capacity and the development will increase rat runs and congestion and delays. There are no details how cycle and bus facilities are to be enhanced.
The effects of traffic in the village have not been adequately considered.
There is a tactile pedestrian crossing in front of the access to the adjoining field.
There should be a roundabout not traffic lights at the A38/Bishops Hull Road junction.
Problem of access for emergency vehicles to the area as Taunton becomes a no go area for all vehicles when there is an accident on the motorway and until a long term solution is found this application will only compound a

desperate situation.
The traffic lights will make tailbacks in Comeytrowe Lane worse.
Danger to traffic using drive on junction at 3 Stonegallows.
The cross road junction is not suitable for one way or two way traffic.
The access onto Bishops Hull Road will be dangerous.
The transport study is out of date.
No footpaths or cycle lanes in Bishops Hull Road.
It will worsen pedestrian safety with a lack of pavements in the village.
The existing traffic calming measures are ineffectual.
Access should be taken through the Stonegallows car park
Where is the ring road to be built and where will the people come from to live in the new homes.
The number of houses would suggest a probable 3-400 cars accessing the village road at once. The road is already a rat run and cars back up waiting at the lights. Traffic lights at the cross roads will make the situation worse and congestion will be immeasurably increased.
Difficulty exiting onto Waterfield Drive will create a danger.
Pinch point on the Bishops Hull Road causes a dangerous bottleneck.
Exit only onto Wellington Road will increase traffic congestion in the village.
Junctions with Silk Mills will become more congested.
Increase in traffic will increase the potential for accidents involving the elderly or school children.
Danger for pedestrians and cyclists
Any traffic control measures will cause delays along Silk Mills and Wellington Road.
Road access will create dangerous staggered crossroads.
Problem of tractor access and turning at junctions.
Increase in noise and disturbance.
The closure of Bishops Hull Road at Wellington Road will increase carbon emissions from traffic.
It will create more commuter traffic through town.
It will degrade the quality of life and increase crime.
Agricultural land a barrier to urban sprawl
Traffic increase would impact on business.
This will split the community by preventing access and cutting off some 64 houses in Stonegallows from the village.
It will not benefit the community but will degrade it and ignores the wishes of the village. It will spoil community spirit.
The village is not capable of taking the extra people and traffic
The land is green belt.
The development is outside the settlement limits and will lead to additional traffic in the narrow roads of the Conservation Area.
No bungalows in the plan.
Development would not be in keeping with Bishops Hull Road.
The road layout could be extended into adjoining fields and could lead to something larger.
This is a Grade II agricultural land in vegetable production, it should not be downgraded by the Inspector and an alternative site at Gypsy Lane, Staplegrove should be favoured.
The Planning Policy Statement seeks to protect Greenfield sites in the countryside. The proposal is in conflict with policy in PPS7 as 45% of the land is Grade 2 and 45% Grade 3a. Other land of lower quality than grade 3a should be looked at before this site is site is considered.

The road and footway improvements required should be paid for by Persimmon with Bishops Hull Road widened and the footway linked to Waterfield Drive.
Concern over nursery provision and that the Bishops Hull primary school will cope with the added numbers.
Concern over provision for children at Castle School.
Impact on health facilities and schools are over-subscribed
Erosion and loss of community identity and character and amenity of village.
The development is environmental and social vandalism and will obliterate the villagers' 'window' to the unspoilt countryside.
Inadequate footway on Bishops Hull Road.
Increased traffic, vehicular noise and atmospheric pollution on Waterfield Drive and the road is not a major link road.
There is an adequate supply of housing land including at Monkton Heathfield where the developer has delayed development and there is no evidence of need for houses here. It is disingenuous for the developer to quibble about planning policy on a site elsewhere and seek to develop the current site instead.
The applicant's investigation of a five year supply of housing is flawed and should not be relied upon. There are still outstanding highways and landscape issues.
The Forward Plan Officer states there is a 5.5years supply of available land for housing. This is 10% greater than the minimum requirement and there is no justification to release the land for development at present.
PPS3 states in considering releasing land for development regard should be had to its environmental sustainability.
The lower fields flood in winter after heavy rain and concern with sewage and rainwater disposal. Sewage will have to be pumped to the main sewer and this has caused a problem in the past. The drains in the area are inadequate.
It would set a precedent for development in the area and towards Stonegallows.
It would set a precedent for non-designated green field sites to be built on and for developers to ignore planning guidelines and settlement areas
Development in the countryside contrary to policy S7 of the Local Plan as the site is not allocated.
Other sites allocated in the Local Plan must be developed before divergence from the plan takes place. There are housing sites at Norton Fitzwarren, Monkton Heathfield and Project Taunton sites at Firepool and Tangier.
Development too large to be integrated into Bishops Hull in one go.
440 cars plus service vehicles will add to pollution.
Increase in risk of flooding with poor drains and loss of natural drainage
Loss of light
Loss of privacy
Concern over future overlooking
Concern over building close to hedges
Concern over maintaining the village character and new buildings should be in keeping with the existing buildings.
Damaging effect on older properties in the conservation area, particularly where property fronts the highway.
Loss of countryside and wildlife including badgers and their habitat, birds, mice, wild flowers and birds of prey.
The northern boundary hedge should be widened and a fence erected on the development side for privacy.

Community facilities for existing residents are already inadequate and this will be exacerbated. There is no provision for a community centre, or medical facilities or mention of transport.
If granted a planning agreement should include provision for an equipped medium sized community hall, the provision of subsidised bus travel for new residents and improvements to the traffic calming along Bishops Hull Road as the current humps are too low and have not acted as a disincentive to rat running.
Applicant has ignored the consultation exercise.
The orchard to be retained should be replanted.
The design is out of keeping with focal buildings close to Bishops Hull Road and there is insufficient parking space.
Densities should be kept to a reasonable level.
Underground foul storage tank too close to the play area.
Concern over the location of play areas at the edge of the site and impact on wildlife and concern over impact on badgers.
The ridge has outstanding landscape character which will be lost.
There will be a permanent detrimental and visual impact on the Stonegallows Ridge and there will be harm to the Stonegallows Special Landscape Feature which will diminish its landscape quality.
The development will be prominent with views from the Upcott, Barr and Stonegallows directions.
The ridge line formed by the Bishops Hull Road is a natural physical boundary to the west and the proposal would breach this defensible boundary.
There is no reason for the Authority not to object on landscape grounds as it would seriously damage the rural backcloth of the village scene to the detriment of the character and visual amenity of the locality. This was an objection in 1988 and there is no change to come to a different conclusion.
Existing footpaths should be maintained.
The LPA should take a stand against national government and an unelected quango.
There is no evidence of need or jobs for new residents.
Dust and dirt during construction will be bad for health and machinery and lorries a safety hazard on the lanes.

COMMENTS FOLLOWING AMENDED DETAILS (August 09)

57 further letters/e-mails of objection raising the following issues and reiterating previous comments:
The development is unnecessary, ill-conceived and will encroach on graded agricultural land. It will spoil the countryside. We should not build on land that can produce food.
Allowing housing will set a precedent for more.
There is no need for new housing with an aging population.
The proposal is unsustainable and the road system inadequate.
The proposal is too high a density with too little parking. Cars parked on the road will cause problems for emergency services access.
Where will people work?
Will the houses sell or be left empty?
Loss of heritage, flora and fauna.
Loss of view and loss of value.
Disturbance during construction.

Increase in noise and loss of views.
Play area on illustrative plan close to where offenders are housed.
Impact of the new access on the Turkey Oak tree.
There are brownfield sites which should be considered first.
The basic infrastructure will not cope. Further traffic will exacerbate already busy roads and will lead to an accident. It will lead to increased traffic cutting through Netherclay Lane with the small bridge compounding the problem.
The junction with Shutewater Hill is an accident blackspot waiting to happen.
Construction traffic use not addressed.
Hazard to pedestrians with speed limit not being enforced.
The Transport Assessment does not address the inadequacy of Bishops Hull Road to take the size of the development. Have the impacts been adequately modelled.
Traffic flows have increased in 2009 making the reference point of 2008 flawed. Surveys no longer valid.
Safety issues with lack of pavement on a large section of Bishops Hull Road. Lack of pedestrian and cycle provision.
The end of Bishops Hull Road should be closed making it a cul-de-sac.
Errors in predicting traffic flow have not been corrected and pedestrian safety at the Wellington Road end of the Bishops Hull Road has not been addressed.
Rush hour traffic from Cotford St.Luke using Bishops Hull Road is not shown on morning and evening peak flow diagrams.
Concern that a proper road survey was not carried out by the developer. The removal of the traffic lights will make it more difficult to leave the village.
Without the traffic light control and entry prohibition and lack of footpath link to the A38 safety will be compromised and this is unacceptable simply to avoid congestion on the A38.
The prohibition of entry from the A38 will divide the community in Bishops Hull for a second time. Dividing the community will be contrary to PPS1 as one of the contributory factors to the achievement of a “sustainable and inclusive pattern of urban development” is noted as “ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”
Residents of Stonegallows, Highfield and Jeffreys Way many who are elderly and rely on their cars will be forced to drive down to Silk Mills and back up to the village to access facilities.
It will encourage non-village traffic to rat-run through via Shutewater Hill and Netherclay.
Increased traffic flow will potentially threaten road safety.
Waterfield Drive is used as a car park and parking restricts use of the junction. Term time traffic levels lead to long queues from Stonegallows and the length of Silk Mills Road. The level of traffic leaving the development is less than experience would suggest. Access should be via a new access on to the A38.
The section of road between Waterfield Drive and the A38 should be widened as part of the development. The junctions at the bottom of Waterfield Drive/Silk Mills and between theA38/Bishops Hull Road are already difficult.
Traffic has increased with the opening of the Park and Ride scheme.
Added congestion will affect the local bus timetable and prevent buses accessing the village at peak times.
The S106 request of the Highway Authority is inadequate and inappropriate. The purpose of improved pedestrian routes remain unclear and there is no reference to cycleways or private land acquisition. There is no investment for future highway needs only an abdication of responsibility and faith in congestion.

Increasing the bus service is sustainable only if it is well used. The buses are currently rarely half full so we would double CO2 emissions from the bus service without reducing other traffic. People will only move from car use if alternatives are adequate and quick. The cost of future subsidy needs quantification. Present bus and cycle lanes do not allow for much improvement.
Capacity, access and volume of traffic were a valid part of refusing a Karting circuit in Bishops Hull.
The green initiative is a PR exercise and will not induce residents to use public transport.
A green travel voucher would discriminate against existing residents of Bishops Hull and would not change existing travel patterns.
A green travel voucher would only subsidise two return journeys a week at current fare levels. The Highway Authority should agree the Travel Plan before the application is determined
The application is incomplete without new traffic flow figures.
Prohibition of entry from Wellington Road would add to strain on roundabout and Waterfield Drive and would increase CO2 emissions.
Right turns from Comeytrowe Lane due to prohibition of entry will increase dangers at this sub standard crossroads.
The traffic on Bishop Hull Hill will be increased as will the route through the narrow village roads causing gridllock.
The revised proposal is preferable but the developer should fund a new footway on the west side of Bishops Hull road to the A38.
Due to narrowness of Lane boundary wall damage will occur more often, also due to poor highway drainage in the area.

23/9/09 UPDATE TO COMMITTEE
1 letter in favour of proposal.

A petition of 656 signatures received opposing the development due to the future development of green fields, the need to protect our countryside from overdevelopment and not give future generations a concrete inheritance.
Submission of 258 separate objection slips to the proposal.

42 further letters/e-mails received reiterating previous objections and raising the following:
The County Council appear to be promoting increased pollution, congestion and danger to the public.
This road layout will force local residents not to use village amenities causing a split community against government policy.
Reducing the width of Bishops Hull Road with two way traffic will add to local concerns as will property owners being forced to cross over pavement areas with no visibility of pedestrians.
Forcing the bulk of residents to use Waterfield Drive at peak times when roads are at capacity will add several hundred vehicle movements to the network without new development traffic. As the S.C.C. Highway Department have no correct or updated information on vehicle movement show can they give comment on this but refusal.
Unacceptable as traffic is via one road feeding onto Bishops Hull Road.
Additional risks to pedestrians who walk the Bishops Hull Road which is not wide enough. 1m wide footway is below the required standard and the drawing is too small with insufficient detail to demonstrate something that is not reserved for approval. The plan does not show the full extent of the footway.
Land in front of the Bishops Hull Road properties is privately owned not highway and

notice should be served, so Certificate B is incorrect and a further period of consultation allowed and the application should be deferred until the correct procedure is undertaken.
None of the highway improvements considered by the Local Plan Inspector have been incorporated in the proposal.
There are no cyclist facilities along Bishops Hull Road.
The recommendation is based on inaccurate reports and incomplete plans, particularly in relation to highways and the Travel Plan.
Safety issues justify committee members visit the site.
The proposal will make access to businesses more difficult.
Village amenities cannot cater for the additional population.
Costs associated with changes that will eliminate or lessen the environmental impact should not be the deciding factor for approval.
Enforcement of entry into Bishops Hull Road will be difficult.
Traffic will be stacked up Waterfield Drive and no one will be able to get out onto Silk Mills Road. Traffic lights on the cross roads is the only decent proposal.
A roundabout on Wellington Road crossroads would be the best solution to slow speeding traffic and enable people of Bishops Hull to get out more easily and safely.
The access to the cross roads is not based on accurate survey and full details of the road and footpath width is not shown. The footway may impact on privately maintained land. The provision of a 2m footway would turn the road into single track and access from drives would be impossible due to traffic queues or the risk of running into traffic coming from the village.
Unsuitable access and safety only serve to illustrate the existing village road network cannot safely support a development of this size.
Lack of thought in regard to conservation of the village and its environment.
The unilateral removal of the protected designation of the land to the west of Bishops Hull Road.
Land for sufficient housing should look to the RSS areas.
Affect on public right of way and the area floods.
Land at Rumwell would be a better option.

23/9/09 AGENT LETTER
The land supply is now well below a 5 year requirement of deliverable sites. The evidence from this is from the consultants report commissioned by the Council on the Strategic Housing Land Availability Assessment July 2009. This states the following at paragraph 6.1.5

> "The identified supply of 4498 units (2009-2014) is equivalent to 3.74 years' supply across the Borough, 3.12 years in the Taunton SSCT, and 6.84 years in the rest of the Borough. The 5-year requirement of the current development plan (the Somerset Structure Plan) is 4957 dwellings, and the identified supply of 4498 represents 4.54 years' supply across the Borough."

The conclusion therefore is that current supply is not keeping up with the need for new housing and in the longer term this will lead to a worsening of the housing crisis in the Borough unless suitable and developable sites, like Bishops Hull, are brought forward.
Government Office advice is that the RSS has reached such an advanced stage that it is to be given considerable weight in consideration of any application for development.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

A Does the development comply with relevant Local Development Plan policies and other material considerations? **POLICY**

B Is the landscape impact of the development acceptable? **LANDSCAPE**

C Are the proposed access and highway improvement works adequate in terms of highway safety to serve the development. **ACCESS**

D Does the proposed development make adequate provision for affordable housing? **AFFORDABLE HOUSING**

E Does the development provide for adequate education provision? **EDUCATION**

F Does the proposed development make adequate provision for other issues or necessary contributions such as leisure, play and community facilities? **OTHER ISSUES AND OFF-SITE CONTRIBUTIONS**

G Are adequate foul and surface water drainage measures incorporated into the development scheme? **DRAINAGE**

H Have appropriate measures been included in the development to protect wildlife interests? **WILDLIFE**

I Is the proposal a sustainable one? **SUSTAINABILITY**

A. POLICY

The application site lies outside the settlement limit of Taunton as defined on the Local Plan map and as such policy S7 of the Local Plan would apply. Any planning application should be determined in accordance with the development plan unless other material considerations indicate otherwise as specified in PPS1. In this case therefore the main issue is whether there are material considerations that are of sufficient weight to overcome the policy objection to the proposal.

The need for housing within the district was originally set out in the Local Plan which was adopted in November 2004. Advice in PPS3 is that the Local Authority should not just set out a five year supply but should look at provision in the years beyond that as well. The provision of future housing should also be based on the figures in the Regional Spatial Strategy. At the time the Local Plan was drawn up the housing figures were based on the then RPG10 and the Somerset Structure Plan Review of 2000. Clearly this has since been superseded by the updated RPG10 and the Draft Regional Spatial Strategy for the South West. The Forward Plan Officer has commented in detail on this issue and has identified a number of important factors that have to be weighed against existing policy. Advice in PPS3 and its supplementary advice note indicate that there is a need for a continuous five year supply to be maintained and that in areas of 'significant demand and need for housing Local Planning Authorities should not necessarily treat the 5 year housing provision figures as a ceiling which cannot be exceeded'. Given the time lag in being able to bring forward new sites in the Core Strategy there will be a need to make some capacity available in advance of allocations and it is also

now recognised by the Forward Plan Officer that there is no longer a 5 year land supply in Taunton when considered in the context of the emerging RSS.

Taunton has been identified as a Principal Urban Area in the RPG and a Strategically Significant Town in the emerging RSS. Furthermore the town has been identified as a Growth Point. This together with the likely increase from 14,000 to 18,000 new dwellings proposed in the Panel Report on the RSS would indicate that there is likely to be a shortfall in meeting the five year supply. To address this it is considered that the Forward Plan Officer's conclusion to bring forward suitable unallocated sites is appropriate.

This particular site is one that previously has been considered in relation to Taunton Deane Local Plan and was debated by the Inspector at the Local Plan Inquiry. The Inspector concluded that there were no significant objections to the site's development and he recommended that the Council give further consideration to the site. While it was not allocated at the time the fact that the site has been considered through a Local Plan process is considered to be a material factor in its support.

Agricultural land quality has been referred to in objections and this is addressed in PPS7 paragraph 28. The land identified is a mix of grade 2 and 3 land, however the Local Plan Inspector saw no substantial objection to the allocation of the site on the grounds of loss of agricultural land.

The site lies on the edge of the existing urban area of Taunton and its associated settlements that include Bishops Hull. Guidance in PPS1 and PPS3 seeks to encourage sustainable residential environments through good design and this site is within walking distance of facilities in the village. One objection to the prohibition of traffic from the A38 is that this will divide the community and be contrary to PPS1. Whilst the proposal will prevent traffic from entering Bishops Hull road from the A38, access is still allowed for both pedestrians and cyclists and as such will still maintain a safe and sustainable access to facilities. PPS3 also seeks to ensure the most efficient use of land and it advises against inefficient use of land, ie less then 30 dwellings per hectare. The density of the current submission is 29 dwellings per hectare, however significant areas of the site are not developable for housing to ensure protection of wildlife and provision of a suitable and adequate surface water drainage solution to serve the site. The density with such areas excluded is over 32 and while this density could be increased further this has to be a matter of balance between the best use of land, the character of the area and the impact of the scheme. Clearly increasing density on site here would result in more dwellings and this would impact on the character of the area and the potential traffic implications. The balance of the scheme submitted currently is considered to be an acceptable one.

The provision of around 220 houses on the application site is not considered to compromise the strategy of the emerging LDF, to be so substantial to raise a prematurity issue, or to compromise local options for site identification as set out in the comments of the Forward Plan Officer. Consequently in light of the shortfall in housing provision, it is considered that this is sufficient to overcome any policy objection based on the fact that the site lies beyond existing development limits, and the principle of the proposed development here is considered acceptable.

B. LANDSCAPE

The proposal is to erect a number of homes on this sloping site that is currently agricultural fields. The site will be visible from the Bishops Hull Road as well as the footpaths in the area to the west. However the site does not extend as far as the Stonegallows Ridge and the site was carefully considered at the previous Local Plan Inquiry. The Inspector recognised that from distant viewpoints the development would largely be seen against the background of existing urban fabric and he concluded that 'the impact on the wider countryside would not be significant'.

The proposal will involve the loss of some areas of hedgerow particularly at the point of access. However the Landscape section of the Environmental Statement indicates the reinstatement of more hedging than is removed. The Landscape Officer considers that there is need to strengthen the planting on the western boundary and through the middle of the site it is concluded that this can be covered by a condition. Concern has been raised over a tree opposite the site. However the Landscape Officer does not consider there to be an adverse impact on the Turkey Oak tree . In the current circumstances therefore the landscape impact of the scheme is considered to be an acceptable one.

C. ACCESS

The proposal seeks to provide access to the site via a new entrance off Bishops Hull Road at the southern end of the site. The necessary visibility splays are provided in respect of this access. This has been clarified with the Highway Authority as 2.4m x 43m and can be conditioned as part of any approval. An alternative emergency access is also provided at the northern end of the site. This access maintains the existing footway situation. A footway across the frontage of the site would also be a condition of the scheme. In addition to access to the site itself a number of changes are proposed to the surrounding highway network to accommodate the additional traffic that would result.

The Local Plan Inspector in recommending the site previously stated that with the agreed statement between the highway authority and current developer he was satisfied that access difficulties could be overcome. Improvements referred to included a traffic signal junction on the A38 crossroads to improve facilities for cyclists, improvements to the Silk Mills Road/Waterfield Road junction to accommodate right turning traffic and traffic calming measures through Bishops Hull village. Since then the North West Taunton Package has been delivered and seen various improvements to the area in conjunction with the Park and Ride. These have included traffic calming measures through the village of Bishops Hull, cycleway improvements and a pedestrian crossing of Silk Mills. The current proposal does improve cycle routing at the A38 junction and the Highway Authority consider the traffic signals and right turn lane to be unnecessary and the improvements already carried out and those proposed sufficient to address safety issues. In light of the above circumstances it is considered that the Inspector's conclusions over the site's suitability remain relevant.

The applicant has submitted a Transport Assessment (TA) to support the works proposed. However local objectors raise issue with the accuracy of the

assessment and its addendum. The TA identifies that capacity issues still exist with the Silk Mills/Wellington Road roundabout and with no room to expand the junction it has been recognised that any development here will exacerbate the situation. Other junctions such as Waterfield Drive/Silk Mills Road are also identified as of concern to objectors. No additional works to these junctions are identified in the County Highway Authority's assessment of the proposal. The changes that are proposed involve a variation to the junction at the end of Bishops Hull Road with the A38. Traffic will not be able to enter Bishops Hull Road from the A38 and a new footway from this junction on the western side of the road towards the village is recommended by the Highway Authority as part of the Section 106 Obligation to ensure adequate highway safety improvements are provided. Cycle priority at this junction is also to be improved. The Parish Council and many local residents raise objections on highway grounds and to the inadequacies of the Transport Assessment, the lack of footways, traffic calming and the unsuitability of the existing road network to accommodate the traffic increase leading to further congestion. However, the Highway Authority consider the site suitable from the sustainability viewpoint and advise that whilst the scheme will inevitably add to congestion, subject to encouraging sustainable modes of transport and ensuring highway works that are necessary to ensure highway safety, do not raise objection. Members need to determine whether they are statisfied that the measures recommended by the Highway Authority are sufficient to offset the objections raised.

In addition to the junction works and footways the SCC Transport Authority are recommending a number of measures as part of a residential travel plan which would include the enhancement of the local shuttle service to half hour frequency and the provision of a green travel voucher scheme of £300 which would apply to each dwelling for a five year period for up to three different tenures. Other issues identified in the applicant's travel plan such as promoting local facilities, bus routes and other sustainable travel options in a welcome pack for each property as well as monitoring and review of the development scheme is proposed. The Highway Authority considers it vital these issues are included to address the traffic and junction issues in the area. In the light of the proposals outlined and the recommendations of the Highway Authority it is considered that the scheme can be supported.

D. AFFORDABLE HOUSING

The proposal is for a mixed housing development that exceeds the Council's site size threshold, so an element of affordable housing is required within the scheme. The applicant has offered to provide 35% affordable housing, to the tenure mix required by the Housing Enabling Manager. The Housing Enabling Manager has requested a figure of 40% affordable on the basis of the high level of need identified within the area.

The Local Plan contains a range of targets for affordable housing on allocated sites, with a maximum of 35% applied to large greenfield sites. Those targets were based upon the level of need identified in the Housing Needs Survey undertaken by Couttie Associates in 2002, which was for 131 additional affordable dwellings a year. A desk-based review carried out by the Ark Consultancy on behalf of all the Somerset local authorities in 2006 identified a fourfold increase in need to 564 dwellings per year in Taunton Deane. Although

the work by Ark preceded the publication of Practice Guidance on Strategic Housing Market Assessments, and is not fully compliant with that Guidance, it nevertheless has some value in updating and re-assessing the scale of need.

The Authority has commissioned further work by Fordham Research to assess the affordable housing need in the area. However, from the evidence already available – from the Ark study, worsening affordability, and significant growth in the Waiting List – it is clear that need has increased significantly and that in the future the Council will be seeking to secure an increased amount of affordable housing from open market housing developments subject to viability assessments.

For the present, the issue is whether it is appropriate to seek a 40% contribution from the application site in the absence of a policy requirement for this in the Local Plan. Government planning guidance in PPS1 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there is clear evidence that the scale of need for affordable housing has increased substantially since the targets included in the Local Plan were determined. In addition, the EiP Panel's report on the emerging RSS is indicating that planning authorities should ensure that at least 35% of all housing is affordable. Clearly some sites will need to provide more than that figure where they are capable of doing so. However there is currently no up to date local needs survey that would support an increase over the figure quoted in the Local Plan. The current submission has been assessed using the Three Dragons Model to assess the housing viability of the site and this indicated that the development proposed is viable. The applicants have made an offer for the Section 106 provisions which includes a level of affordable housing that is therefore considered acceptable.

As previously outlined the application site is not a Local Plan allocation, and is being advanced ahead of updated policies and targets for affordable housing provision in the LDF. There is clearly a greater need now than there was when the 35% maximum target was set in the Local Plan, and the question is whether the 40% figure can be justified. While 40% may better reflect the current need situation and emerging RSS there is no specific need survey to support this figure as required in Government advice and an increase in the figure offered may impact on site viability. In the circumstances therefore the request of the Housing Enabling Manager is not supported and the 35% figure offered by the applicants is considered an acceptable one.

E. EDUCATION

The County Council recognise that the development would result in additional demand for places at both the primary and secondary schools. There is considered to be sufficient capacity at the local primary school for the expected number of pupils. The local secondary school is currently over capacity and there is expected to be a continuing over capacity in the future. A financial contribution is therefore sought for each open market dwelling to enhance facilities at the Castle School in accordance with policy C1 of the Local Plan and this will be secured through the recommended Section 106 Agreement.

F. OTHER ISSUES AND OFF-SITE CONTRIBUTIONS

The development proposes over 200 houses on this Greenfield site at the edge of the existing settlement limit. Policy C4 of the Local Plan seeks to ensure that adequate provision is made for public open space, children's play areas and playing fields. The proposed site is a sloping one and does not really allow for playing field provision. The Leisure Manager has requested that there is a need to ensure that adequate playing field provision is provided and as with other sites it is recommended that the contribution of £1023 be sought for each open market dwelling through a legal agreement. It is considered that the timing of this contribution can be dealt with on a flexible basis to be agreed in the legal agreement in order to to aid in the deliverability of the proposal.

In addition to the above playing field requirement there is a requirement for children's play space to be provided. The application is an outline one and a condition can be imposed to ensure that children's play provision is provided on site. The surveillance of such areas needs to be addressed as part of any future detailed plan in order to address issues raised by the Leisure Manager and the Police Architectural Liaison Officer. The relationship with nearby ponds and housing also needs to be addressed. There is clearly sufficient space shown within the illustrative layout to provide the 0.44ha required. The provision of the future maintenance of the open space, hedgerows and play areas needs to be provided for and a commuted sum for this purpose needs to be sought through a legal agreement.

The Leisure Development Manager has identified an issue in terms of Community facilities for Bishops Hull. There is currently a shared community hall at the primary school and the additional demand for use of the facility through over 200 new dwellings is not able to be accommodated. The Leisure Development Manager considers there to be scope to extend the existing facility. However, the Parish Council may oppose this given the relationship with the school. The level of contribution of £186,120 towards an improved community facility for the village is considered appropriate. The Developer has agreed to such a provision on the basis that the Council can demonstrate the money can be spent within a 3 year time period and a suitable scheme identified on which the sum could be spent. If the timing of any payment to secure deliverability of the scheme is not agreed then it would need to be paid back within the specified timeframe and it is considered that the precise timing of this should form part of the Section 106 Agreement.

The site has been identified by the County Archaeologist as one of interest and he has advised that further investigations should be undertaken and a condition is proposed to ensure adequate evaluation and mitigation work is carried out.

G. DRAINAGE

The site is a Greenfield one with natural surface water run-off rates to a ditch and no foul drainage. Wessex Water has advised that the existing public sewerage system in the area is not adequate to serve the new proposal and works will be required to provide adequate capacity as well as on site drainage works. Wessex Water have clarified their initial comments and confirm that the proposed storage and attenuation on site will be acceptable and recommend a condition to address this issue. A need for improvement in respect of the water supply to the site has

been identified and a contribution to the off site improvements necessary has been identified and will need to be sought through a legal agreement.

The surface water drainage of the site is proposed to be controlled by a sustainable urban drainage system to limit the flows to greenfield run-off rates and to take into account any storm events associated with climate change. There are balancing ponds illustrated on the plan as part of the proposed scheme and these have been amended to address the concerns raised. The Environment Agency initially objected due to the Flood Risk Assessment not demonstrating that the surface water attenuation strategy had enough capacity to deal with the 1 in 100 year plus climate change storm event. Further information and discussions with the Environment Agency have now addressed these concerns and the Environment Agency has removed its objection and recommends drainage conditions to require details of any final scheme and its timing. The applicant is proposing that the balancing ponds, attenuation and other SUDs features on public land will be adopted and maintained by the Council and this is sought to be achieved through the Section 106 Obligation.

H. WILDLIFE

The submitted wildlife report has identified a number of protected species using the area and mitigation measures have been suggested to protect the affected habitats. Bats, badgers and various bird species have been identified as using the site and the illustrative layout has been designed to reflect this. The identified badger setts on the site are in locations where development is to be restricted and no built development will conflict with these sites and a condition to ensure no disturbance during construction is therefore proposed. The western side of the site has been identified as a bat foraging area in relation to the hedgerow. Whilst the open space area is proposed to reflect this it will be important to limit any light pollution in this area and a condition is considered necessary to reflect this.

There are six hedgerows on the site identified as being important under the Hedgerow Regulations 1997. These are to be retained wherever possible and a condition is proposed to address this. The Environmental Statement also identifies two defunct ponds to be restored and identifies the need for further survey work if there is no development within one year. Natural England has raised no objection to the scheme but request a condition for the provision of an ecological management plan and this is also reflected in the comments of the Nature Conservation Officer. These issues are again considered necessary are should be addressed through the Section 106 agreement or conditions.

I. SUSTAINABILITY

The site is considered to be in a sustainable location on the edge of the existing settlement limit of Bishops Hull and thus Taunton. The site is within easy walking distance of local facilities in the village and is within easy access to a bus route enabling access to the town centre.

In light of the guidance within the Supplement to PPS1 on Climate Change Authorities are encouraged to emphasize the need for low carbon development and energy efficiency measures. While there is currently no specific policy in the Local Plan it is considered appropriate to impose conditions requiring the details of the measures to be included at detailed stage. A similar condition in terms of

water efficiency measures is also recommended by the Environment Agency and as this has previously had backing on appeal it is considered appropriate. The Highway Authority are also requiring a Green Travel Plan as part of the legal agreement and this proposes improvement to bus facilities and vouchers for bus use to encourage this rather than car use.

11. CONCLUSION

The proposal is for residential development of a Greenfield site currently outside the identified settlement limits of Taunton and its associated settlements identified in policy T1. Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and PPS1 all proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Forward Plan Unit has assessed the proposal thoroughly in terms of site suitability, housing need in terms of PPS3 provision, the Regional Spatial Strategy assessment, the Growth Point status of Taunton and the need to allocate sites in the emerging LDF. Their conclusion is that development in principle is acceptable and there are sufficient convincing reasons and considerations to outweigh the principle in favour of the development plan. It is also of particular importance to note that this site has been through a Local Plan Inquiry previously and been considered suitable by the Inspector and there is not considered to be any material changes to policies or circumstances such as would now vary the Inspector's conclusions about the site's suitability in terms of its location and landscape impact.

The issues of foul and surface water flows from the development have been addressed and Wessex Water and the Environment Agency raise no objection to the application subject to conditions to address these issues. The Environment Agency has also referred to the need for future maintenance of open spaces and this together with the need to maintain play areas will need to be covered in a Section 106 Agreement. The legal agreement will also need to address the requirement for appropriate affordable housing provision and a community facility contribution for the area. The issue of wildlife on the site has been addressed in the Environmental Report and the Nature Conservation Officer and Natural England are satisfied with the proposal subject to conditions.

The Transport Authority consider the access off Bishops Hull Road to be suitable and have recommended a number of conditions and Section 106 provisions to address highway safety and sustainability issues. Whilst it is clear the development will have some adverse impact on traffic in the area Somerset County Council as Transport Authority consider that this is not such as to warrant refusal of the proposal in light of proposals to secure safety improvements and a green travel plan.

Subject to the necessary conditions and appropriate legal agreement being entered into to ensure adequate facilities and maintenance of the development, the proposal will deliver much needed housing (including a significant element of affordable housing). The paticular circumstances of this case are considered such as to set aside the policy objection and to grant permission.

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

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NOTES: