



Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 30 November 2010 at 18:00.

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 05/10/0014 – Approval of reserved matters for Application No 05/07/0057, residential development of 171 dwellings on 7.65ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull as amended
- 5 Miscellaneous Item - Variation of requirements for Section 106 Agreement relating to development at Station Farm, Bishops Lydeard (06/07/0028, 06/07/0043 and 06/07/0044)

Tonya Meers
Legal and Democratic Services Manager

23 November 2010

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

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor J Allgrove
Councillor C Hill
Councillor L James
Councillor T McMahon
Councillor S Coles
Councillor F Smith
Councillor A Wedderkopp
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor I Morrell

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon

PERSIMMON HOMES (SW) LTD

APPROVAL OF RESERVED MATTERS FOR APPLICATION 05/07/0057, RESIDENTIAL DEVELOPMENT OF 171 DWELLINGS ON 7.65 HA TOGETHER WITH OPEN SPACE, PROVISION AND ACCESS ON LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL AS AMENDED

Grid Reference: 320606.124469

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to amended plans addressing the layout and landscaping (particularly plots 16 & 53-55) and corrected materials for the house type drawings and no further adverse comments on the affordable house type by 3 December, the Development Lead by authorised to determine in consultation with the Chair/Vice Chair and details be approved with conditions re approved plans, boundary hedge retention, translocation works as specified and hedge management, hedge protection, cycle parking and emergency access detail.

The proposal is considered not to have a detrimental impact upon visual or residential amenity and provides adequate play and open space and is therefore considered an acceptable layout and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and C4 (Provision of Open Space). 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 and advice in PPS3.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A1) DrNo D22503C313 Rev A Road longitudinal sections sheet 3 of 3
 - (A1) DrNo D22503C312 Rev A Road longitudinal sections sheet 2 of 3
 - (A1) DrNo D22503C311 Rev A Road longitudinal sections sheet 1 of 3
 - (A0) DrNo D22503C203 Rev A Building layout sheet 3 of 3
 - (A0) DrNo D22503C202 Rev A Buidling layout sheet 2 of 3 Building layout sheet 2 of 3
 - (A0) DrNo D22503C201 Rev A Building layout sheet 1 of 3
 - (A1) DrNo D22503C600 Rev A Preliminary drainage design
 - (A3) DrNo 1564-P-S2 1564 House type plans and elevations style 2
 - (A3) DrNo 1564-P-S1 1564 House stype plans and elevations style 1
 - (A3) DrNo 1462-P-S2 1462 House type plans and elevations style 2
 - (A3) DrNo 1462-P-S1 1462 House type plans and elevations style 1

(A3) DrNo 1443-P-S3 1443 House type plans and elevations style 3
(A3) DrNo 1443-P-S2 1443 House type plans and elevations style 2
(A3) DrNo 1443-P-S1 1443 House type plans and elevations style 1
(A3) DrNo 1292-P-S3 1292 House type plans and elevations style 3
(A3) DrNo 1292-P-S2 1292 House type plans and elevations style 2
(A3) DrNo 1292-P-S1 House type plans and elevations
(A3) DrNo 1187-P-S2 1187 House type plans and elevations style 2
(A3) DrNo 1187-P-S1 1187 House type plans and elevations style 1
(A3) DrNo 987-P-S3 987 House type plans and elevations style 3
(A3) DrNo 987-P-S2 987 House type plans and elevations style 2
(A3) DrNo 987-P-S2 987 House type plans and elevations style 2
(A3) DrNo 987-P-S1 987-P-S1 987 House type plans and elevations style 1
(A3) DrNo 982-P-S3 982 House type plans and elevations style 3
(A3) DrNo 982-P-S2 982 House type plans and elevations style 2
(A3) DrNo 798-P-S3 798 House type plans and elevations style 3
(A3) DrNo 798-P-S2 798 House type plans and elevations style 2
(A3) DrNo 789-P-S1 798 House type plans and elevations style 1
(A3) DrNo 662-P-S1 662 House type plans and elevations style 1
(A3) DrNo 662-P-S2 662 House type plans and elevations style 2
(A3) DrNo 656-P-S1 656 House type plans and elevations style 1
(A3) DrNo 3B5P-P-S2 3 Bed 5 persons, affordable house type plans and elevations style 2
(A3) DrNo 3B5P-P-S1 3 Bed 5 persons, affordable house type plans and elevations style 1
(A3) DrNo 2B4P-P-S2 2 bed 4 persons, affordable house type plans and elevations style 2
(A3) DrNo 2B4P-P-S1 2 Bed 4 persons, Affordable house type plans and elevations style 1
(A1) DrNo TP-01 Rev Q Proposed site layout plan
(A2) DrNo C.SEC-01 Proposed cross sections
(A1) DrNo 1800BW-01 Boundary details 1.8m brick wall
(A3) DrNo 1800CBF-01 boundary details 1.8m close board fence
(A3) DrNo NG-03 Double shared garage 2x6x3m parking spaces
(A3) DrNo NG-02 Double garage 6-6 parking space
(A3) DrNo NG-01 Single garage 6-3m parking space
(A3) DrNo STEL-01 Proposed street elevations
(A4) DrNo SS-01 Substation
(A1) DrNo L.02 Rev A Planting details sheet 1 of 3
(A1) DrNo L.03 Planting detail sheet 2 of 3
(A2) DrNo L.06A L.E.A.P
(A2) DrNo L.07A N.E.A.P
(A3) Site location Plan
(A3) DrNo L.05 Native hedge planting details
(A1) DrNo L.04 Rev E Planting details sheet 3 of 3
(A1) DrNo L.01 Rev E Landscape layout
(A3) DrNo L.11A Native planting matrix
(A2) DrNo L.09 Hedge Management and Translocation
(A3) DrNo EF-01 Rev D Materials Layout
(A2) DrNo. TP-01 Revision S Proposed Site Layout
(A2) DrNo. L.09 Rev A Hedge Management and Translocation
(A2) DrNo. TP-01 Revision S Proposed Site Layout
(A3) DrNo 1197-P-S2 Rev A 1197 House Type Plans & Elevations Style 2

- Reason: For the avoidance of doubt and in the interests of proper planning.
2. The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 157 - 166 shall be retained and not be removed at any time other than as agreed by the plans hereby approved.

Reason: To safeguard the character of the area in accordance with policy S2 of the Taunton Deane Local Plan.

3. The section of hedge to be translocated shall be carried out in accordance with details on plan L.09A and the maintenance of this hedge and infilling with appropriate planting shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out for a period of up to 5 years following the hedge translocation.

Reason: In order to maintain the character of the roadside hedge in the area in accordance with policy S2 of the Taunton Deane Local Plan.

4. Where the hedge protection cannot be provided at 2 m distance, details of alternative means of protection shall be submitted to and agreed in writing by the Local Planning Authority prior to construction work commencing adjacent to the hedge concerned.

Reason: To protect the hedge in the interests of the amenity of the area in accordance with policy S2 of the Taunton Deane Local Plan.

5. Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained.

Reason: To ensure adequate cycle parking is provided on site in the interests of sustainability and in accordance with policy M4 of the Taunton Deane Local Plan.

6. Details of the emergency access surfacing and bollard provision shall be submitted to and approved in writing by the Local Planning Authority prior to it being brought into use.

Reason: In the interests of the amenity of the area in accordance with policy S2 of the Taunton Deane Local Plan.

Notes for compliance

1. You are advised of the need to comply with any outstanding conditions on the outline approval for this site.
2. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.

PROPOSAL

The proposal is a detailed layout to erect 171 dwellings and comply with the outline permission for residential development in May this year. The layout includes parking

and affordable housing units as well as play and open space provision as well as a sustainable urban drainage system. The proposed construction of 171 dwellings on 5.65 hectares of the 7.65 hectare site stems from third party comments and changing market conditions which has changed the density of the site. The move towards a lower density allows for more family orientated accommodation and assists in integrating the development into the adjacent open landscape and is considered to better respond to the character of the surrounding area.

SITE DESCRIPTION AND HISTORY

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

Outline permission 05/07/0057 was approved subject to a Section 106 legal agreement in May 2010. The Section 106 required provision of off-site highway works, a travel plan including a bus service contribution, an education contribution, a contribution towards playing field provision and a community hall as well as on site affordable housing provision. The access into the site from Bishops Hull Road was not a reserved matter and was approved as part of the outline.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - The Parish Council consider the following unacceptable.

1. The provision of a footway along the western side of Bishops Hull Road, the proposal to reduce the width of sections of the existing hedge alongside Bishops Hull Road and remove other sections does not meet the requirements of both the decision notice for 05/07/0057 and the associated Section 106 agreement. The former requires 'a 2m wide footway along the site frontage' and the latter requires 'the provision of a 2m wide footway along the frontage of the land.'
2. The proposal is contrary to the statement in the Non Technical Summary of the Environmental Statement submitted with the original application. That document states 'The retained hedge along Bishops Hull Road would help to retain the present character of the road, although the houses would create a sense of enclosure to the west.'
3. There is an error on page 25 of the Design & Access Statement. The definitive right of way across the site is T3/18 and it is a footpath over which the right of way is on foot only. It is not legally available for use by cyclists. If it is intended to divert or change the status of the existing footpath then in certain circumstances the appropriate legal process must be completed before development starts on site.

It follows in the opinion of the Parish Council, unless it is modified to incorporate the above already agreed requirements, the application must be refused.

20/10 Comments on Amended Plan

In the submission dated 15th July the Parish Council stated that it considered

several aspects of the application unacceptable. Although there have been further amendments that is still the case and in general the comments in that earlier submission are still relevant. There is no doubt that it is clearly set out in the Section 106 Agreement and other documents that a footway should be provided along the site frontage and that in the final outcome there should be a footway all the way from the centre of the village to Waterfield Drive and the A38 Wellington Road.

It is important that earlier decisions and requirements in the planning process continue to be complied with otherwise there was no point in making them. However it is also extremely important to consider matters from a road safety viewpoint. The present submission would require anyone walking from the village Post Office to both Orchard Drive and Waterfield Drives to cross Bishops Hull Road three times. Since in some cases that will involve pensioners and parents with small children that can hardly be considered safe or desirable. Provision would also have to be made for wheelchair users and pushchair's.

It follows that the present application should be refused and that as originally stated a continuous footway should be provided on the western side of Bishops Hull Road all the way from the A38 Wellington Road as far as the emergency exit from the development. Similarly as stated in the earlier requirements the section where development is proposed should be either inside the site or alongside the road. If the footway were inside the development it could be argued that the enclosed footway would be a potential site for criminal activities. Therefore, even though it would require the translocation of the entire existing hedge, consideration should be given to the footway being alongside the road. This would also require the owners of the properties to be built near the existing road to be legally required to preserve and maintain the existing hedge.

An alternative which also needs to be considered is the provision of a footway on the western side of Bishops Hull Road from the A38 as far as either the site access road or the access to the existing footpath together with the extension of the existing footway on the eastern side of Bishops Hull Road as far as Waterfield Drive. This alternative would not affect the existing hedge which would be retained without any disturbance. More importantly from a road safety viewpoint it would not just reduce the number of necessary road crossings but in some cases would eliminate them entirely. Children walking from the village school to Waterfield Drive would not have to cross any road to complete their journey.

It follows that in the opinion of the Parish Council, unless it is modified to incorporate the previously agreed requirements, the application must be refused.

SCC - TRANSPORT DEVELOPMENT GROUP - The following highway related comments have been made as a result of looking at submitted drawing numbers A062280/TP-01/B, D22503/C600/A, D22503/C311/A together with the 'Design & Access Statement'.

The Outline was granted subject to a Section 106 Agreement which deals with Access issues which include works to Bishops Hull Cross, Bishops Hull Road, a Travel Plan and contributions to Sustainable Transport. The Site Access, Emergency Access and Footway Works Access across the site frontage are also covered in the Section 106 Agreement.

The 'Design & Access Statement' indicates that the existing footpath that runs

east/west through the site is to remain. The proposed residential application could result in an increase in use of the footpath in particular by cyclists. Bearing this in mind, it would be appropriate for visibility splays to be provided at each location where the footpath meets proposed internal access roads together with the junction with the proposed footway along the site frontage (between plots 54 and 55).

Travel Plan

Detail of physical infrastructure is lacking. Detailed schemes for cycle parking and motorcycle parking have not been provided, and there is no location for benches or travel information notice boards or proposals for their licensing and maintenance. I refer to page 44 of the Section 106 Agreement and paragraphs 2.6.9 – 2.6.12 of the travel plan document appended to the travel plan in respect of this.

The NEAP and the LEAP would benefit from formal cycle parking (Sheffield stands) being provided in each location; three Sheffield stands at each location should be appropriate

Estate Roads

1. Is it the intention for the proposed footpaths that run through the Public Open Space along the western site boundary, to be adopted by Taunton Deane Borough Council?

2. All proposed tandem car parking bays shall be constructed to a minimum length of 10.5m.

3. All private drives serving garages, shall be constructed to a minimum length of 6.0m.

4. Parking bays that immediately but up against any form of structure including planting, should be constructed to a minimum length of 5.5m (parking bays 135-137 for example).

5. All private drives, garages and courtyards will require pedestrian/vehicular visibility based on dimensions of 2.0m x 2.0m as measured from back edge of footways.

6. Road 8. A 2.0m wide footway will be required along the northern boundary of this road. A 500mm wide grassed margin can be provided along the southern boundary.

7. Road 3. If residents of plots adjacent to this road need to walk along the road to gain access to parking bays then a footway will need to be provided. However, should the applicant wish to construct this road as a block paved shared surface carriageway, then only 500mm wide service margins will be required and the carriageway width could be reduced to 5.0m. The shared surface road could form a continuous block paved link between the raised sections of carriageway outside plots 156 and 161. It would then be possible to lose the footway fronting plots 161-163 and the footway fronting plot 166. These footways can be replaced with 500mm wide margins.

8. Ramps that serve raised sections of carriageway must not coincide with driveway locations as this may well cause difficulties in accessing/emerging from these areas. The ramps outside G4, G41, PV adjacent to P123 and P97 may need to be

revisited.

9. 25m forward visibility splays will be required throughout inside of carriageway bends within the site. There shall be no obstruction to visibility that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splays will be adopted by the Highway Authority.

10. Plot 76 appears to have 4 no. parking bays. I presume that this is an oversight and that the parking area directly outside plot 77 should be labelled P77 and not P76 as currently shown.

11. An adoptable 500mm wide margin will be required along the western boundary of Road 2 opposite its junction with Road 6. The margin should tie into the footway outside plot 99 and the footway opposite plot 161.

12. Low-level planting should be used adjacent to carriageway junctions so as not to restrict intervisibility between motorists within said areas.

13. Drawing number **D22503/C600/A** indicates the presence of two Attenuation tanks. The outer edge of these tanks must not be constructed within 1.0m of the back edge of the prospective public highway limits. Full design drawings/calculations of the Attenuation tanks will need to be submitted to Somerset County Council for checking/approval purposes.

14. All block paved shared surface carriageways should be constructed with a longitudinal gradient no slacker than 1:80 to aid positive surface water drainage. Submitted drawing number **D22503/C311/A** indicates a gradient of 1:100 within shared surface road 1. The shared surface carriageway serving plots 25-34 can be constructed to a width of 5.0m.

15. Where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required and submitted to the Highway Authority.

16. Surface water from all private areas must be intercepted by private drainage systems to prevent any discharge onto the prospective publicly maintained highway.

17. Planting within adoptable areas will require payment of a commuted sum. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to have a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of an approved type will be required for all trees that are to be planted adjacent to the back edge of the prospective footway to prevent future structural damage to the highway.

18. No doors, gates or low-level windows/utility boxes/down pipes/porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway that is clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

19. Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining a public highway a Section 50 licence will be required. These are obtainable from Mr John Nicholson, Streetworks Co-ordinator 01823 483103.

20. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and Traffic Management layout will be required prior to approval being given for commencement of works on the highway.

21. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such, under Sections 219 to 225 of the Highways Act 1980 will be subject to the Advance Payments Code (APC).

22. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is recommended that contact be made with the Highway Service Manager, Taunton Deane Area 08453459155 to arrange for such a survey to be undertaken.

23. A 1.0m wide hardened vehicle overhang margin will be required at the end of the western turning arm of the shared surface road between plots 18 and 29.

24. Emergency vehicle access to/from Bishops Hull Road. The proposed location of this access appears to be too close to the existing carriageway narrowing. This may well impact upon turning manoeuvres of vehicles using said access. It is recommended that swept path analysis for emergency vehicles that may use the access is tested.

25. To aid pedestrian movement from the development to the Public Open Space at the western end of the site, it would be advantageous if more links were created from areas of residential homes onto the existing footpath that runs east/west through the site.

26. An adoptable footpath link should be provided along the frontage of plots 168-171.

27. All proposed turning heads should be overlaid with the swept paths of a refuse vehicle to ensure that they can accommodate such a service vehicle and its turning manoeuvres.

Planting

In addition the following are comments related to the proposed planting plan as they affect the proposed highways.

1. Choice of Tree Species

The tree species chosen for the open space are also shown alongside the estate roads, houses and parking areas. Ash (*Fraxinus Excelsior*) and Wild Cherry (*Prunus Avium*) are fast growing, large trees and are not suitable for these locations. Their close proximity to property and highway will result in conflict at an early stage.

In addition, the fruit from the Cherry and seed from Ash will be problematic in such areas. I would recommend that a much smaller ornamental species and cultivars are chosen for these locations. I have brought this to the attention of Ian Clark at TDBC who will be commenting on the full extent of the landscape proposals.

2. Hedge along Bishops Hull Road

The plan shows the construction of a short length of footpath at the southeast extent of the site. This might require cutting back of the hedge to allow construction; clarification needs to be sought as to who is to maintain this hedge in the future.

3. Green Areas

The two Greens 18a and 84 appear to be in the adoptable highway, is this the case or is it a colouring error?

The following Estate Road conditions should be attached to any consent:

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented and thereafter maintained until the use of the site discontinues
2. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
3. Before the dwelling hereby permitted is first occupied, a 2.0m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority. The applicant should be advised that at least seven days before access works commence the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE must be consulted.
4. 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.
5. 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.

6. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.
7. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Comments on Amended Plan

18/10 The following highway related comments have been made as a result of looking at submitted drawing number **A062280/TP-01/Q**.

1. I would like to see the swept path of an Emergency Service Vehicle provided at the junction of the proposed Emergency Access with Bishops Hull Hill. I am slightly concerned that the access is planned to be sited within a road narrowing. Is it not possible for the proposed Emergency Access to be located elsewhere?
2. The proposed footway along Bishops Hull Road and fronting the residential development must end/start directly opposite the existing footway on the opposite side of Bishops Hull Road.
3. A swept path of a 10.87m long (3 axle) refuse vehicle needs to be provided for the turning head located between plots 18 and 29.
4. 25m forward visibility splays (based on vehicle speeds of 20mph) will need to be shown throughout the insides of all carriageway bends within the development. There shall be no obstruction to visibility greater than 600mm above adjoining carriageway level within the splays and the full extent of the splays will be adopted by Somerset County Council. Forward visibility splays will also be required along the link.
5. The drives to plots 168-171 should be increased to 6.0m.
6. Due to the fact that the existing footpath that runs east/west through the site will be used by cyclists, it will be necessary for it to be constructed to accommodate shared use by pedestrians and cyclists and for the appropriate visibility splays to be shown at the locations where the footpath cross the internal access roads and where the footpath ties into the proposed footway along the site frontage.
7. Low level planting will need to be provided at the junction of Roads 1, 4 and 5 as well as adjacent to all car parking entrances/drives, so as not to reduce visibility for motorists within these areas.
8. The applicant must ensure that all private drives, garages and courtyards contain pedestrian/vehicular visibility splays based on dimensions of 2.0m x 2.0m as measured from the back edge of footways.
9. The proposed footpaths within the POS adjacent to the western site boundary may well be used by cyclists to gain access to play areas. Therefore, they should be constructed to accommodate shared use between pedestrians and cyclists.
10. To aid future maintenance, the proposed grass verges within the development should not taper off into nothing. The last 500mm of the verge should be of a bitumen macadam construction.

11. All internal access roads shall have junctions that incorporate visibility splays of 2.4m x 25m in both directions. There shall be no obstruction to visibility greater than 300mm above adjoining carriageway level within these areas. The full extent of visibility splays must be clearly shown within all future copies of the engineering layout drawing.

12. Confirmation is required as to whether or not an Attenuation Tank is still proposed to be located within the 'Green' fronting plots 22 and 23.

13. The full extents of the access to private drives/parking courtyards should be shown with splays at 45 degrees.

14. Pedestrian tactile crossing locations will need to be shown throughout the development.

16/11 Comment

The plan submitted shows an amended footpath detail along the site frontage of the development site with Bishops Hull Road. The plan submitted drawing number TP-01 Revision S proposed site layout now concurs with the approved Section 106 drawings in that it provides for a new footway on the western side of Bishops Hull Road between the eastern extremity of the site at plot 1 extending as far as the join between plots 56 and 57 on the site frontage; the remaining portion of the footway being on the east side of Bishops Hull Road leading into the village. This provides a footway along the whole site frontage and provides for a continuous footway between Bishops Hull Road and Bishops Hull village. The footway along the front on the roadside frontage is doubled up with a footway within the site on the southern side of road one between the site access and the emergency access providing options for use.

In conclusion I reiterate that the footways, footpaths shown on the above mentioned drawing TP-01 Revision S are acceptable to the Highway Authority.

WESSEX WATER - Foul Sewerage - The existing public sewerage system is not adequate to serve the proposed development. Off-site reinforcement 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. Developers are expected to contribute to the cost of off-site reinforcement. Storm water must not be connected to 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 that existing land drainage be updated.

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

Water supply scheme identified for the site small amount of off site reinforcement required. On site mitigation works identified as part of the foul strategy which negates the need for off site reinforcement.

26/10 Amended comment - I can confirm that our local engineer has considered the submitted drainage plan and has advised that he has received plan DC22503C011Rev B which is more current and with principles agreed.

ENVIRONMENT AGENCY - The information submitted to date is insufficient to ensure that flooding will not be increased as a result of the development and is therefore contrary to PPS25 and we uphold our objection. The following information should be provided. The information only shows the 1 in 100 year plus climate change simulation for the network. The applicant must also provide simulations for at least the 1 in 1 year event or 1 in 2 year event and 1 in 30 year event. These simulations should demonstrate no flooding and a maximum discharge of 37.5l/s for the critical storm ranked by maximum flow. The 1 in 100 year plus climate change simulation shows a lot of pipe flooding along the network. An overland flood path has been submitted, however considering the amount of overland flooding and the volumes, the drawing must identify where the flooding would occur, possible pooling locations, depth of flooding and demonstrate that overland flooding make the development unsafe as described in FD2320. Maintenance of the surface network must be addressed and stated to ensure that the system remains operational for the lifetime of the development.

5/10 – The agent has provided additional information and we WITHDRAW our previous objection. We consider the details submitted will ensure that a suitable surface water drainage scheme is brought forward at the site. This additional information must be formally submitted to TDBC to be included in the approved plans within any permission granted. This being the case no further information on this aspect is required so a condition covering this interest is not necessary. The agent has confirmed that a foul sewer connection has been agreed with Wessex Water and that they will maintain the system. The proposed SuDs features will be maintained by TDBC. This responsibility and any operational arrangements must be secured within a separate legal agreement attached to any permission. This will ensure any surface water drainage scheme remains operational and effective for the lifetime of the development.

20/10 – Our main concern regarding the proposed development is that sufficient attenuation volumes are maintained on site to mitigate the risk of increased surface water flooding as a result of the development. The amended layout and landscaping plans appear to reflect changes agreed with us to ensure attenuation is provided. On this basis our comments provided in our letter of 5 October still apply.

PARKS MANAGER - No observations.

LEISURE DEVELOPMENT MANAGER - On a development of this scale equipped play space of 3420sqm should be provided. Currently the plans show play space of approximately 1800sqm. I also have concerns that the attenuation ponds being close to the proposed play area and ask if there is any risk of the play areas flooding.

11/10 Comment on Amended Plan – I am satisfied with the revised plans for children's play provision subject to use of Grassmatt safety surfacing in both the LEAP and NEAP instead of wet pour, and the NEAP not being fenced.

HERITAGE AND LANDSCAPE OFFICER - My main concerns are the loss of a third of the Bishops Hull Road 'Important' hedgerow to provide pavement space - this is different from the approved outline layout.

There are a number of very large growing trees eg. Fraxinus, positioned too close to proposed dwellings. A small growing species should be found to replace them.

It would be better not to include the elder or ash in the hedgerow mix, otherwise the

mix is fine.

Prunus padus is fine as a garden tree and as a replacement for *Prunus avium* but is not native and should be excluded from the open space planting along the western boundary.

Within the open space the oak and ash should be planted at least 10m from each other and not in close groups as shown on marked up drawing. Also exclude *Acer platanoides*.

No buildings should be within 2m of existing hedgerows.

Hedgerows and trees need to be protected during construction.

How is it proposed to avoid damaging tree roots between 30 - 31.

I recommend more traditional apple varieties for the orchard area such as those supplied by Thornhayes Nursery, Dulford, Devon.

The rear gardens along Bishops Hull Road should all have a least 1 tree planted to soften the impact of the new houses.

A maintenance plan for the areas of open space need to be agreed so that the quality and timing of grass cutting can be conditioned.

4/10 Comment on Amended Plan – Generally this is a better and clearer landscape plan – please see marked up plan for details

17/11 Amended Comment - I am still concerned that the existing hedgerow running at 90 degrees to the main road is being removed and replanted. I recommend retaining the existing hedgerow and infilling in the existing gateway with hedgerow removed from the internal road. There is scope for additional planting within the gardens along Bishops Hull Road.

HOUSING ENABLING MANAGER - The Housing Enabling head supports this application on the basis of need and not suitability of the site. The requirement of 35% Affordable Homes should include a mix of 2,3 and 4 bed houses as follows: 6x4 bed houses, 30x3 bed houses and 24 x 2 bed houses, provided through a mixed tenure of 50% social rented and 50% intermediate affordable housing.

17/11 Amended comment

The Housing Enabling Lead supports the application. The tenure mix should be 50% social rented, 25% intermediate housing and 25% discounted open market affordable housing. The units should be built to Code for sustainable homes level 3.

DRAINAGE ENGINEER - No information is provided regarding conditions 3,6,7 & 8 etc regarding the detail of the arrangements for the disposal of surface water, attenuation works and operation and maintenance strategy. Full details should be forwarded at the appropriate time when the above conditions are to be assessed.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which runs through the proposed development at the present time (footpath T 3/18). I have attached a plan for your information.

From the information provided it appears the proposal would affect the footpath, however it seems that the Site Layout Plan provided with the application takes the route of this footpath into account.

Providing the footpath will not be blocked by the development a change of surface authorisation is all that would be required. If the footpath will be blocked by development it needs to be diverted under the Town and Country Planning Act by Taunton Deane Borough Council

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

In addition, 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 SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- 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 convenient for continued public use (or)
- create a hazard to users of a 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) 483086.

11/10 Comment on Amended Plan – No further observations.

POLICE ARCHITECTURAL LIAISON OFFICER - The Design & Access Statement, under the heading '**Community Safety**', makes the following points:

1. Connectivity should not compromise the defensible space of the development.
2. Access to the rear of dwellings from public space is avoided.
3. Cars, cyclists and pedestrians are kept together.
4. Routes lead directly to where people want to go.
5. All routes are necessary.
6. Cars are parked within view of dwellings.
7. The layout is designed with regard to crime levels.
8. The layout provides natural surveillance in that streets are well used and overlooked.

- Bearing in mind the above, the developer appears to have taken into account potential crime and disorder issues that could affect this development and has endeavoured to mitigate these risks in accordance with advice provided in the 'Manual for Streets'. From a crime prevention point of view, I would generally agree with the comments made but would query the following in relation to a couple of these points:

1. With regard to avoiding access to the rear of dwellings, the provision of rear courtyard parking, with no form of access control in some areas of the development, will enable the potential criminal to gain access to parked vehicles and the rear of dwellings, which is where the majority of burglaries occur.

2. If parking courts are considered unavoidable, parking spaces within these courts should be within sight of routinely occupied rooms in owners' premises, not just within sight of dwellings, otherwise, there is a possibility that these parking spaces will not be used. The safest and preferred form of parking is in a lockable garage or hard-standing within the curtilage of the owner's home, as is being provided in other parts of this development.

Additional general comments are as follows:-

- The layout of roads and footpaths appears to be open, direct and well used and the use of road surface changes, where appropriate, helps underline the defensible space of the development and clearly delineate between public and private areas.
- The public Right of Way, which is segregated from the road and footpath network, is being incorporated as a feature of the development which should prove beneficial. Where possible, it should be straight, wide, well lit, devoid of potential hiding places and overlooked by surrounding dwellings.
- With regard to the footpaths adjoining or running through the Public Open Space, they should be at least 3m wide, to enable people to pass without infringing personal space, and have at least a 2m verge on either side. They should also be devoid of any potential hiding places. Planting adjoining footpaths should be kept low so as not to impede natural surveillance.
- This proposed development includes a number of areas of public open space, including a NEAP and LEAP. Whilst the provision of such amenities can make a valuable contribution to the quality of the development, it should be borne in mind that such communal areas have the potential to generate crime and anti-social behaviour. The developer has taken steps to ensure that these areas are overlooked to some degree and surveillance from surrounding dwellings should be maximised. In addition, mechanisms and resources should be put in place to ensure its satisfactory future management and maintenance. Measures should also be put in place to prevent unauthorised vehicle access to these areas. I note that the proposed boundary treatment for the NEAP and LEAP is 1.2m round-top fencing and lockable gate, which is recommended.
- The proposed dwelling boundary treatments appear to be suitable i.e. 1.2m railings and 0.6m knee rail fence to the front of dwellings, which provides good defensible space and permits resident surveillance of the streets and open spaces, and 1.8m walls or closeboard fencing to the side and rear which should deter unlawful access.
- A number of the dwellings back onto one another, which is the preferred orientation, as this again restricts unauthorised access to the rear of properties. Where dwellings back onto footpaths, courtyards, fields or open space they are potentially more vulnerable at the rear and there may be a need to reinforce the fencing with thorny plants or similar measures.
- Planting and landscaping should not impede natural surveillance and must avoid the creation of potential hiding places. In general, where good visibility is needed, planting should have a mature growth height of no more than 1m and trees should have no foliage below 2m.

- All street lighting for both adopted and private roads and footpaths should comply with BS5489.
- The developer is advised to formulate all physical security features of the dwellings themselves i.e. doorsets, windows, security lighting, cycle storage etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - www.securedbydesign.com

WARD CLLR STUART-THORN – Concern that the play space is woefully short and that it is situated in a flood plain and that the Travel Plan details will be met. In the estate road requirements set out by Highways are all issues met and which are not, similarly with the planting items and estate road conditions. Is there intended to be a children's crossing on the 'pinchneck' area of Bishops Hull Road?

Representations

36 letters of objection raising the following issues:

The footpath east of the road hedge is unsafe, electric poles would be in its path.

Half of the roadside hedge would be removed and it's used by bats.

Dwelling on plot 55 is too near to the hedge and would cause loss of view.

Road widths through the site are too narrow and people could park and block emergency vehicle access.

Cyclists must be helped.

The road should be improved to accommodate heavy traffic.

The density is too high.

The traffic impact will be horrendous and safety of villagers should be the priority.

The partial one way system will be dangerous and unclear.

Loss of important hedge to Bishops Hull Road. Reduction in hedge width by three-quarters.

The footpath needs to be inside the hedge line and not as shown.

Only around 57% of the 100 year old hedge will be retained.

Translocation of the hedge would be expensive with aftercare and it would be unlikely to survive.

Some houses and garages are too close to the hedge and would lead to its long term loss.

Roads incapable of taking more traffic. Concern over traffic evidence. School is over capacity.

Lack of shopping, bus, doctor's surgery and pharmacy facilities as well as main drains and street lighting.

Extra burden on public services and local infrastructure.

Junior school will not be able to cope.

Development will have detrimental, disruptive and dangerous effect to the life of the village.

Damage to old tree roots with new access provision opposite and potential impact on water table and adverse impact on tree. A committee visit should be made to assess the impact.

The access to the village from Bishops Hull Road should be made a bus lane and stop people using the country lane as a rat run.

Concern over the road side drainage ditch and suitable drainage provision.

The proposal will increase children on the streets with nothing to do other than cause a nuisance.

Concern over loss of business from the A38 with the road change.
Too many houses for village resulting in increased traffic on narrow unsuitable roads
Traffic already congested and concerns re increase, increased accident risk, rush hour traffic problems.
Concerns of diverting traffic through housing estate at Waterfield Drive
Project density inappropriate.
Overcrowding could lead to more noise and possible bad behaviour.
Housing not needed here, Greenfield site should remain and brownfield sites available.
No consideration given to the affect on Bishops Hull or Netherclay and the bridge.
Increased school children with parents dropping off on the way to work.
Public footpaths would be lost.
No proposal for safe road crossing and request for additional footway.
The position of the footway from the A38 along Bishops Hull Road should be changed.
Devaluation of properties.
Disruption during construction due to site traffic.
Loss of peace and tranquillity and spoil the environment.
Increase in danger for the elderly.
Terraces are out of place and no bungalow provision.
Land ownership on Bishops Hull Road to the south to create the footpath has not been resolved.
Concern over loss of mature southern hedge in future and new owners should agree the retention of the hedge in the purchase agreement.
Lack of local distinctiveness despite design statement. Grey concrete tiles are inappropriate and chimneys on certain properties are not shown.
Insufficient private garaging.

Amended Plan Comments

4 letters of no further comment.

23 additional objection letters raising the following issues:

Properties should include grey water conservation, solar panels and wind turbines.
The field floods and is unsuitable for housing.
There will be an impact on badgers and other wildlife (including 43 bird species) and habitat and the site should be left untouched
Traffic increase, impact on surrounding roads and pedestrian safety.
The village is not big enough to deal with the new housing with inadequate facilities including bus service.
The hedge translocation is unnecessary and unacceptable.
Concern over compliance with the Hedgerows Act.
Concern over position of the access opposite one of the largest trees in Taunton and impact on roots affected by drought with potential impact for health and safety.
The developer must give a commitment to the viability of the reinstated hedge.
A footpath must run inside the hedge running the whole length of the development.
A footpath must be provided from the site entrance to the Waterfield Drive junction on the east side of the road.
The badger setts and restrictive fencing is incorrect.
Loss of hedge adjacent to the footpath and impact on gas main and electricity lines.
Concern over siting of children's play area close to pond contrary to advice note 3 of the outline and the play area should be moved away from the pond or the layout drawing refused on safety grounds.
The footpath does not go along the whole site frontage and the proposal

contravenes the S106 and planning permission and conditions suggested in the Highways letter of 10 August. The footpath should continue along the site frontage inside the hedge up to the emergency site access.

13 additional letters on the latest plan raising the following issues

Lack of tree planting to Bishops Hull Road and hedge loss adjacent to the footpath.

Traffic problems.

Unjustified rape of the environment and proposal is undemocratic.

Village not cope with the influx of residents, extra traffic, crime and children put at risk.

Site is floodplain and high grade agricultural land.

The footway to the A38 should be moved to the opposite side of the road.

Condition 13 requires hedge protection at 2m from the hedges and certain buildings on the layout plan are shown within this distance and as the plan does not show this requirement the drawing should be refused.

There is a lack of scheme to prevent surface water flooding from the road.

Walking from Waterfield Drive to the village will require the road to be crossed twice and the footpath ends in a poor place for visibility.

No details of benches, cycle parking or motorcycle parking in line with the S106 requirements and Travel Plan obligations and without the details the drawing should be refused.

PLANNING POLICIES

S&ENPP5 - S&ENP - Landscape Character,

S&EPP14 - Policy 14 Archaeological Strategies,

S&ENPP33 - S&ENP - Provision for Housing,

S&ENPP35 - S&ENP - Affordable Housing,

STR1 - Sustainable Development,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H9 - TDBCLP - Affordable Housing within General Market Housing,

M4 - TDBCLP - Residential Parking Provision,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN6 - TDBCLP - Protection of Trees, Woodlands, Orchards & Hedgerows,

T1 - TDBCLP - Extent of Taunton,

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,

PPS3 - Housing,

PPS9 - Biodiversity and Geological Conservation,

PPG13 - Transport,

PPG17 - Sport and Recreation,

PPS25 - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration are with the detailed layout of the site and include the highways and footpath provision, housing layout and design, landscaping and hedge retention, wildlife, affordable housing, play and open space and drainage.

Highways

The approved outline development reserved all matters for subsequent approval other than the access into the site. The current proposal indicates the access into the site as originally envisaged and provides a footpath adjacent to the road from the southern extremity of the site to a point 45m north of the footpath across the site. This would enable people to cross the road to the footpath on the eastern side of the road. A footpath is also provided within the site from the public footpath access along the internal road to the emergency access point to the north where again it is necessary to cross the road the footpath on the eastern side.

Condition 28 of the planning permission 05/07/0057 requires a 2m footway along the whole site frontage in a location to be agreed in writing by the Local Planning Authority. The scheme as submitted is considered satisfactory by the Highway Authority. The Parish Council and a number of objectors have commented on the need to provide a 2m footpath link the whole site frontage inside the hedge to link to the emergency access. To achieve this would mean setting the footway within the site and adjacent to the inside of the hedge. It is not considered that this would be used as it would mean diverting away from the road at a point where you can see the existing footway along the roadside running into the village. Also a footway internal to the hedge would lead to security issues and require a significant housing layout change to provide it. It is therefore considered that the submitted scheme is the best solution from the point of view of security, highway safety and hedge retention. In order to comply with condition 28 a minor alteration to the width of the eastern footway could be provided or a variation of the condition applied for. As there are options available and the condition requires footway provision before occupation of any dwelling this is not considered a reason to refuse the reserved matters scheme.

The initial Highway Authority comments include details with regard to the estate road which would be covered by a separate highway agreement. The estate road conditions are considered unnecessary as these are considered to be covered by the conditions on the outline planning permission.

Layout and Design

The housing layout has been designed following a local consultation exercise and the housing numbers on the site have been reduced to 171. The design of the layout generally reflects the principles of the outline layout with lower density detached dwellings to the outer parts of the site and higher densities towards the centre. The scheme includes a mix of housing, including 56 x 4 bedroom properties, 71 x 3 bed properties, 39 x 2 bed properties and 5 x 1 bed flats over garages. The minimum density requirement that used to exist in PPS3 has been abolished and the scheme is of a lesser density more reflective of the character of existing properties in the area. A higher density clearly could be provided on this site, however this would also have an impact in terms of traffic levels accessing the site via local roads. Mindful of the very strong local objection to residential development of the site and the traffic implications it is considered appropriate in this instance to support a lesser density scheme than was initially envisaged.

The house designs include a mix of two storey properties with finishes largely in brick and render with a few in reconstituted stone. The roof materials have been amended to be a profiled tile rather than a plain grey concrete tile and also an artificial slate that will more easily allow the provision of solar units to be designed into it. With modern heating systems there is no requirement for traditional chimneys

and the provision of false ones is considered inappropriate.

The layout includes a mix of both double and single garages as well as parking places serving the individual dwellings. This reflects the level of family dwellings on the site rather than smaller scale houses and flats. However the outcome of this is that the parking provision is greater than the policy provision of 1.5 spaces set out in M4 of the Taunton Deane Local Plan and more reflects the Local Transport Plan requirements that are based on the size of properties. Provision for cycle parking is accommodated within garages or sheds on individual plots. The general layout plan is considered an acceptable one and while minor improvements could be achieved in certain areas with a reduction in parking spaces, applied across the site would also potentially give rise to an increased density. Members will therefore have to make a decision on whether the parking provision is considered an acceptable one.

Landscaping and Hedge Retention

There has been a landscaping scheme submitted with the proposal and this has been amended to address a number of the concerns including those of local residents and of the Landscape Officer. The outline permission approved the access point and loss of hedgerow at the access points. Work on site in respect of the highway works required in the Section 106 has commenced and a section of hedge has been removed. The hedge was subject to a wildlife survey and was considered to be important by the Landscape Officer due to its age and species. However it was accepted that a section would require removal to provide access and the outline permission consideration supercedes the requirements of the Hedgerow Regulations. A concern is still raised over the impact on the large tree opposite and this concern was made at the time of the original application. The detailed application provides the access as proposed and it is not possible to object to the scheme on the basis of potential future tree impact due to the approved access. The health of the tree given its age would need to be monitored in the normal way.

The Landscape Officer comments on the current concerns included the hedge retention, planting mix, position of certain trees and proximity of the built form to boundary hedgerows. A further plan is awaited to address the need for additional tree planting to the rear of plot 16 and plots 53 to 55 and retention and supplemental planting to the hedge running to the south of the public footpath from the Bishops Hull Road to the internal access road.

The amended plan shows that the existing roadside hedge is to be retained, except at the point of access and a 34m stretch that is to be translocated into the site to allow for a footway along the road frontage. The submitted plan indicated the translocation method and need for future maintenance. There has been some concern raised over this proposal, however it is considered to be an appropriate solution that safeguards the hedge and provides an appropriate footway to meet highway requirements. A condition with regard to the translocation and maintenance is considered necessary.

Wildlife

The wildlife issue in terms of the use of the site and protection of identified species was addressed at the outline stage with wildlife survey reports being carried out. A further survey is required by condition 26 before development commences on site and the provision of an ecological management plan is required. There is also a

requirement to retain and protect the badgers on the site covered by appropriate conditions on the outline which need to be complied with and a note to the applicant is proposed to address this.

Affordable Housing

The Section 106 Agreement sets out the requirement for 35% affordable housing on the site. This breaks down to a maximum of up to 50% social rented, 25% intermediate and 25% discounted open market. The Housing Officer has requested a mix of two, three and four bedroom dwellings as part of the scheme and this differs from the initial submitted details which only provided two and three bedroom properties. The applicant has subsequently agreed to amend the plans to reflect the provision of 6 x 4 bedroom units and the amended plan reflects this.

Play and Open Space

The open space provided on site is certainly considered more than adequate given the housing numbers in the layout. Play space is provided with both a LEAP and NEAP and revision to the layout addresses the Leisure Development Manager's initial concern over size. The play area surfacing is to be amended to reflect the request of the Leisure Manager and the area is designed to be overlooked by house frontages which is a positive design feature. The children's play area is sited adjacent to the western boundary of the site and is sited to the north of the public footpath and is to be fenced off for safety. The relationship to the wildlife pond to the south and the other side of the footpath and hedge is considered to be an acceptable one.

Drainage

The developer has worked with the Environment Agency to design a Sustainable Urban Drainage system which meets the requirements of ensuring the existing greenfield run-off rates are not exceeded and the flows from the site downslope through the culvert will not exceed a discharge of 37.5l/s and cause a risk of flooding elsewhere. A series of 5 sustainable urban drainage swales are designed to take storm water run-off together with an underground attenuation tank. The water is designed to drain from these in a matter of hours after a major storm event. The Environment Agency has confirmed that the scheme details are acceptable. Wessex Water has advised that they are satisfied with the proposal for surface water. With regard to the highway drainage the Highway Authority have agreed the piping of the existing roadside ditch to address run off from the road. In terms of the foul drainage Wessex Water confirm the Sewage Treatment works and terminal pumping station has sufficient capacity to accept the extra flows the development will generate. Off site reinforcement of the system is required to give suitable capacity and this is to be agreed with the applicant and would not impact on the site provision of the layout plan.

In summary the submitted scheme is considered an acceptable one subject to the amended plans to address the landscaping issues and house types with materials referred to in the recommendation.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE - 30 NOVEMBER 2010

REPORT OF THE LEGAL SERVICES MANAGER

MISCELLANEOUS REPORT RELATING TO DEVELOPMENT AT
STATION FARM BISHOPS LYDEARD (06/07/0028, 06/07/0043 AND
06/07/0044)

VARIATION OF REQUIREMENTS FOR S106 AGREEMENT

The Proposal.

In 2007 applications were made for the development of the land around Station Farm Bishops Lydeard for mixed use development comprising open market housing, affordable housing and tourist facilities. There was a further application by West Somerset Railway for the erection of a single storey building to form a museum on land which was to be transferred to WSR as part of the overall development.

It was resolved to grant permission subject to a S106 imposing various obligations in respect of off site highway works, affordable housing, the provision of tourist facilities and the transfer of land to WSR.

Re-appraisal of requirements in 2009

Following the changes in the housing market a viability assessment was submitted on behalf of the developer which, following scrutiny by a consultant on behalf of the Council, led to a variation in the obligations sought. In December 2009 it was agreed that the heads of terms for the S106 agreement should be as follows;

1. The mix of affordable housing was agreed with a provision that it be provided prior to the occupation of the 20th open market value house.
2. Land was to be transferred to the WSR on completing of the agreement at a consideration of £50,000. This was to form the site for the proposed museum and carriage sheds. Services were to be provided to the site prior to first occupation of the open market housing.
3. Tourist facilities were to be provided on a designated area of land adjacent to the station, including a café, micro brewery, craft centre, cycle hire and ice cream kiosk. These were to be provided on a phased basis in line with the development of the open market housing, with all

the tourist facilities to be completed by the occupation of the 19th open market house.

The current position

The developer involved on the proposal was Gadds which as members will be aware has gone into administration. The land owner has been in discussion with a new developer to bring forward the development. That developer has re-assessed the viability of the scheme in the current climate and has requested a further variation to the obligations as follows.

The developer wishes to replace the obligation to provide the tourist facilities with an obligation to transfer the designated area of land to the WSR at a consideration of £1. There would be a further obligation to provide services to the land prior to the occupation of any open market housing.

The WSR would then be under an obligation to provide tourist related facilities on the land related to functions of a heritage railway and to continue to provide Tourist Information facilities as at the present station.

All other obligations would remain.

West Somerset Railway

WSR welcomes the proposal and envisages developing the tourist land with similar facilities to those originally envisaged but more closely linked to the existing railway functions and the proposed new museum. It is not however in a position to set out detailed proposals at this stage as the proposal has only recently arisen.

The variation

The consequence of agreeing this variation is that although the tourist facilities will still be delivered, the delivery will no longer be linked to the occupation of the open market housing, although it should be noted that the tourist facilities only had to be completed not occupied prior to occupation of the open market housing. The current proposal will secure the ownership of the tourist facilities by WSR and will ensure the use of the land for purposes associated with a heritage railway in perpetuity.

Parish Council comments.

For contractual reasons the S106 agreement needs to be concluded before the next meeting of the Planning Committee and therefore needs to be considered at this meeting. The Parish Council will meet on the 8 December 2010 to consider their response to the proposal.

Consideration

The reasoning behind allowing development in this location was to improve the visitor experience for the public visiting the WSR. The WSR sees the development of its Museum and carriage shed as critical to its future development.

It is considered that the proposed variation is reasonable in the current economic climate and that the transfer of the tourist land to WSR will secure the future use of the land and, in conjunction with the proposed museum facility, an enhanced tourist facility which will have benefits for the local economy. It is therefore concluded that the proposal remains in accordance with its original justification.

Recommendation

It is therefore recommended that subject to the Parish Council raising no objections to the proposed variation, the Chairman in conjunction with the Development Management Lead be authorised to agree the variation to the heads of terms for the S106 agreement.

Judith Jackson
Legal Services Manager

Contact Officer Judith Jackson 01823 356409 or
j.jackson@tauntondeane.gov.uk

Station Farm
Intention of the Parties including WSR

