

05/15/0011

PERSIMMON HOMES (SOUTH WEST)

ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 80 NO. DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE INCLUDING FLOOD IMPROVEMENTS WORKS AND ATTENUATION POND ON LAND SOUTH OF KINGLAKE, BISHOPS HULL AS AMENDED.

Location: LAND SOUTH OF KINGLAKE, BISHOPS HULL, TAUNTON,
SOMERSET

Grid Reference: 320202.124127

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the applicant entering into S106 agreement to secure:

- 25% of the dwellings as affordable housing, of which 60% social rented; 40% shared ownership.
- The provision of 5 extra pieces of play equipment on Kinglake phase 1 (3 in the NEAP, 2 in the LEAP).
- An agreed travel plan
- Maintenance of the public open space and surface water attenuation features.

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo L(--)-0004 Rev K Proposed Layout

(A3) DrNo L(--)-0005 Rev A Site boundary plan

(A1) DrNo LA01 Rev C Landscape Layout

(A3) DrNo Sec01 Rev C Proposed Sections

(A3) DrNo Sec02 Rev E Proposed Sections

(A3) DrNo Sec03 Rev E Proposed Street Scene

(A1) DrNo 28844/1001/100 Rev P9 Proposed Finished Floor Levels and Retaining Features

(A1) DrNo 2015/BISH-H sk300 rev P1 Site Cross Section 01
(A1) DrNo 2015/BISH-H sk301 rev P1 Site Cross Section 02
(A3) DrNo 401-P-01 Rev A House Type Plans & Elevations Style 1
(A3) DrNo 631-P-01 Rev A House Type (Alnwick) Plans & Elevations Style 1
(A3) DrNo 631-P-02 Rev A House Type (Alnwick) Plans & Elevations Style 2
(A3) DrNo 761-P-01 Rev A House Type (Hanbury) Plans & Elevations Style 1
(A3) DrNo 761-P-02 Rev B House Type (Hanbury) Plans & Elevations Style 2
(A3) DrNo 761-P-03 Rev B House Type (Hanbury) Plans & Elevations Style 3
(A3) DrNo 870-P-01 Rev B House Type (Rufford) Plans & Elevations Style 1
(A3) DrNo 870-P-02 Rev B House Type (Rufford) Plans & Elevations Style 2
(A3) DrNo 870-P-03 Rev B House Type (Rufford) Plans & Elevations Style 3
(A3) DrNo 941-P-01 Rev A House Type (Souter) Plans & Elevations Style 1
(A3) DrNo 969-P-01 Rev B House Type (Hatfield) Plans & Elevations Style 1
(A3) DrNo 999C-P-01 Rev A House Type (Clayton Corner) Plans & Elevations Style 1
(A3) DrNo 999-P-01 Rev B House Type (Clayton) Plans & Elevations Style 1
(A3) DrNo 999-P-02 Rev C House Type (Clayton) Plans & Elevations Style 2
(A3) DrNo 1096-P-01 Rev B House Type (Roseberry) Plans & Elevations Style 1
(A3) DrNo 1096-P-02 Rev C House Type (Roseberry) Plans & Elevations Style 2
(A3) DrNo 1148-P-01 Rev B House Type (Leicester) Plans & Elevations Style 1
(A3) DrNo 1222-P-01 Rev B House Type (Chedworth) Plans & Elevations Style 1
(A3) DrNo 1222-P-02 Rev A House Type (Chedworth) Plans & Elevations Style 2
(A3) DrNo 1275-P-01 Rev B House Type (Winster) Plans & Elevations Style 1
(A3) DrNo 1275-P-02 Rev B House Type (Winster) Plans & Elevations Style 2
(A3) DrNo G-P-01 Rev A Double Garage - single ownership Plans & Elevations
(A3) DrNo G-P-03 Rev - Double Garage - dual ownership Plans & Elevations
(A3) DrNo G-P-02 Rev - Single Garage - Plans & Elevations

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

3. 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 (or similar) 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority .The strategy shall be based on the advice of EAD Ecological consultant's Ecological impact Assessment Report dated February 2015 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Arrangements to secure the presence of an ecological clerk of works on site
5. A Landscape and Ecological management plan

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To protect and accommodate wildlife in the development.

5. Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall include a timetable for provision of the required works. The scheme shall subsequently be implemented in accordance with the approved details and timetable and shall thereafter be maintained as such.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

6. Prior to the commencement of the development hereby permitted, a foul water drainage strategy shall be submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing and a timetable for implementation of the works. The approved drainage scheme shall be completed in accordance with the approved details and timetable and shall thereafter be maintained as such.

Reason: To ensure that proper provision is made for sewerage of the site and

that the development does not increase the risk of sewer flooding to downstream property.

7. The developer 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 prior to commencement of development and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

8. Prior to their installation, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the details submitted with the application are not approved.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. Prior to their construction, a panel of the proposed stone/brickwork measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

10. Prior to their construction, full details of the proposed estate road, footways, footpaths, tactile paving, cycleways, 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, motorcycle and cycle parking, and street furniture submitted to and approved by the Local Planning Authority in writing. 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 accordance with the approved details 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.

The approved details shall be fully implemented in accordance with the approved details prior to the occupation of the 75th dwelling and shall thereafter be maintained as such.

Reason: In the interest of highway safety, to ensure that appropriate highway infrastructure is provided to serve the proposed development.

11. Prior its construction, full details of the pedestrian/cycle/emergency access link to Bishops Hull Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the precise width, alignment and surface treatment of the access. The link shall be fully provided prior to the occupation of the 16th dwelling and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that emergency services can access the site in the event that the primary vehicular access becomes blocked.

12. Prior to the construction of the pedestrian/cycle/emergency access link to Bishops Hull Road, full details of the proposed northern boundary treatment to the east of proposed plot 16 and details to the southern side of the access link shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be fully implemented prior to the access/link being brought into use.

Reason: To protect the amenities of adjoining residential properties.

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

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

14. Prior to the occupation of any dwellings hereby permitted, 1.8m high close boarded fences shall be provided to the east and south boundaries of the site forming common boundaries with the neighbouring residential properties on Bishops Hull Road and Stonegallows and in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the fences shall thereafter be maintained as such.

Reason: In the interests of protecting the amenities of neighbouring residents.

15. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show additional planting within the eastern area of public open space.

(ii) Any landscaping/planting approved pursuant to condition 12 shall be implemented in accordance with the timing in condition 12. All other landscaping shall be completely carried out no later than the first available planting season from the date of occupation of the 50th dwelling, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area and provides appropriate amenity for the future occupiers of the site.

16. The public open space hereby permitted shall be laid out in accordance with the details hereby permitted and those agreed pursuant to condition 15 and shall be capable of use by the general public prior to the occupation of the 50th dwelling hereby permitted. Once provided, the space shall thereafter be maintained as such.

Reason: To ensure that the required public open space is delivered in a timely manner.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, badgers, reptiles, amphibians and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

4. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) Barn owls are classed as Schedule 1 birds and have additional protection against disturbance whilst at or near its nest. No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from April until September.
5. Surface water run-off should be controlled as near to its source as possible with sustainable drainage systems (SuDS). This reduces flood risk through the use of soakaways, infiltration trenches, permeable pavements, grassed swales, ponds etc. SuDS can also increase groundwater recharge, improve water quality and provide amenity opportunities. A SuDS approach is encouraged by Approved Document Part H of the Building Regulations 2000.
6. The Environment Agency draw your attention to the following points:

The surface water drainage scheme for the proposed development must meet the following criteria:

Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.

The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

7. The condition relating to landscaping requires additional planting in the eastern area of the site. It is considered that this should show a small copse of trees in the centre of the boundary providing a backdrop to the highest of the proposed dwellings.

PROPOSAL

This application seeks full planning permission for a development of 80 dwellings, roads, associated public open space and surface water drainage features on land to the west of Bishops Hull Road.

The main vehicular access to the site would be via the recent 'Kinglake' development which immediately adjoins the site to the north. The access would be in the northwest corner of the application site and would connect to an existing cul-de-sac where there is currently an agricultural access. A secondary pedestrian/cycle/emergency access would be provided in the northeast corner direct to Bishops Hull Road.

The development would be laid out around a loop road system. Dwellings would be sited along the northern boundary, backing onto existing dwellings on Gwyther Mead – part of the Kinglake development, where the existing dwellings are lower than the application site. Dwellings would also be sited along the southern boundary, backing onto Stonegallows, where the existing dwellings are generally higher than the application site. Public open space would be provided along the eastern part of the site, adjoining the rear boundaries of existing dwellings on Bishops Hull Road. Further open space containing a surface water attenuation pond would be provided on the north western part of the site.

The development would provide 25% affordable homes.

SITE DESCRIPTION AND HISTORY

The site is a broadly rectangular existing agricultural field bounded on 3 sides by existing residential development. The western boundary adjoins a small sliver of land currently used as a paddock and then further agricultural land.

The lowest point of the site is at the northwest corner, and the land rises steeply to the east and southeast. There is a prominent 'knoll' in the middle of the site protruding from the northern boundary and this can clearly be identified standing on the site, from neighbouring properties on Stonegallows. It can also be identified in views from the west where there are two public footpaths, although the uniform appearance of the crop currently planted in the field means that the shape of the site is less well defined. There is a further high point in the southeast corner of the site.

Existing hedges form the boundaries with the paddock to the west and also the existing dwellings to the north on Gwyther Mead. These dwellings beyond the site to the north appear to have been substantially 'dug-in' and are substantially below the level of the site.

To the north, the existing boundaries of the dwellings on Bishops Hull Road are a mix of low fences – some timber, some post and wire, and planting. The boundary is inconsistent. The southern boundary is similar, although the boundary treatment tends to be higher. A few of dwellings on these boundaries have gates in the boundary allowing them access to the application site from within their properties. The southwestern corner of the site borders a woodland that separates the site from the back of the Stonegallows Inn on Wellington Road.

There is no relevant planning history in terms of formal applications on the site.

With regard to planning policy, the site is currently within the identified Special Landscape Feature. The published Site Allocations and Development Management Plan proposes to remove the site from the SLF and allocate the site and the paddock area to the west for around 70 dwellings under draft policy TAU5. There are a substantial number of objections to the policy.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL – Initially commented as follows: The Parish Council objects on the following grounds:

Impact on the landscape

The site is very sensitive in landscape terms, being elevated, highly visible and prominent.

It is part of the Stonegallows Ridge Special Landscape Feature and Policy EN11 of the Taunton Deane Local Plan states that ‘Development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features will not be permitted unless planning conditions would prevent such harm’. In view of this, it is totally anomalous for the area now to be proposed for housing.

Increased traffic movements

Residents have enough difficulty exiting the village from Waterfield Drive onto Silk Mills Road or from Bishops Hull Road onto the A38. To put more pressure on these junctions is inappropriate.

A full traffic assessment has not been undertaken and this is not acceptable. The developers point to the assessment relating to the first phase Kinglake development but:

- (i) In the last 8 years traffic has significantly increased, and
- (ii) Highways engineers were already of the view that the Silk Mills Road / A38 roundabout is over capacity.

Insufficient school places

With limited local places, further developments in south west Taunton will result in pupils having to attend school the other side of the town.

Increased risk of flooding

Following flooding in December 2012, the Environment Agency gave the following response:

‘There are existing flooding problems at Shutewater Hill because the existing culvert running north from the Kinglake site is very small and constricted. Previously we have dealt with this by ensuring that surface water run-off rates from development are reduced back to below greenfield rates by creating large attenuation ponds and tanks. However, if any further development was to be brought forward, we do not believe that the existing surface water infrastructure can sustainably support this. There comes a point when reducing rates still doesn’t mitigate surface water flooding because the overall volumes of water running off the site will increase. We believe that point has been reached, particularly due to local concerns raised in 2012. Any new major development would therefore trigger the need for improvements to the existing drainage infrastructure at Shutewater Hill because of the increased water flows coming from a developed site.’

After such a categorical statement, the Parish Council questions why the Environment Agency subsequently gave the developer the option of either carrying out upgrade works to the Shutewater culvert or restrict the development run-off to the 1 in 2 AEP Greenfield rate. Unsurprisingly, the developer has gone for the second option and we consider this unacceptable.

Concern re building on the higher ground

Throughout the SADMP consultations, the Parish Council has commented that there should be no building on the highest ground adjacent to existing dwellings and that new homes on land adjacent to the highest ground should be set down in order to reduce their visual impact.

Looking at the proposed lay-out of buildings, this concern has not been addressed.

The increase from 70 to 80 new dwellings

The application is not in line with the SADMP proposal of 70 new homes on a somewhat larger site. The increase to 80 houses on a smaller site is therefore unacceptable.

Poor access to the site

There is concern that the only access for construction vehicles, materials and equipment is along Quartly Drive and Gwyther Mead. Not only will this bring long term disruption for Kinglake residents but, because of the road width and size of construction vehicles, will prevent two way traffic. Inevitably, vehicles will mount pavements and cause damage as a result.

The Quartly Drive/Gwyther Mead junction also seems restrictive for larger vehicles and we would appreciate assurance that County Highways’ comments will include reference to construction traffic issues.

Undecided issue re foul sewer connection

No decision has been reached re the foul sewer connection and the application should not be progressed until this has been agreed.

The absence of a construction management plan

Numerous complaints and disputes arose during the construction of the existing Kinglake development. It is therefore essential to agree a management plan at this early stage and ensure that it will be robustly enforced.

Subsequently confirmed that the amended plans did not overcome their objections.

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

Summary

The Highway Authority has reviewed the submission and considered the overall benefits and dis-benefits of this proposal. On balance the Highway Authority recommends that there is no highway reason why permission could not be granted subject to conditions. The reasons for this recommendation are set out below.

Traffic Impact:

The applicant submission has been accompanied by a Transport Assessment (TA), which has been assessed by the Highway Authority and our comments are set out below.

In terms of trip generation the application has utilised TRICS 2013 (b) v6.12.1 to calculate the Multi-Modal Total people trip rates for Residential/Houses which are privately owned. Trip rates appear reasonable with 18 trips in and 50 trips out in the AM and 43 trips in and 20 trips out in the PM peak. The applicant has also provided turning count data and base traffic flow data for traffic within the study area has been obtained from manual classified turning count and queue length traffic surveys undertaken in November 2013. The distribution is based on existing turning movements extracted from traffic surveys undertaken in November 2013 and this appears to be reasonable to the Highway Authority.

Turning to the traffic impact the area which has been modelled is appropriate as it includes the key junctions that will be impacted by this proposal. However it is not clear from the information provided whether the committed development at Kinglake has been accounted for in the modelling scenarios as the TA only states 'including growth'. The applicant has used suitable modelling packages for these junctions modelled as part of the study area and use a one hour profile. In addition AM and PM peaks are referred to within the text but no time periods are specified within the text.

The junction between Waterfield Drive/Silk Mills Road is operating above capacity in the 2020 PM peak. The Waterfield Drive approach is taken from 155% Ration of Flow to Capacity (RFC) without development to 293% with the development. This is unlikely to materialise in practice, as traffic would re-route, but does indicate congestion in the area. No mitigation has been proposed with RFC values of 1.55 and 2.93 in both 2020 scenarios in the PM peak.

However Somerset County Council have agreed that because the constructed Kinglake site is smaller than anticipated, the impact is likely to be no bigger than the consented outline permission. For that reason there is not considered to be any reason for the Highway Authority to refuse this application on traffic impact grounds.

It is noted that since the TA has been prepared a planning application for the urban extension to the east of Comeytrowe has been submitted. Concerns have been raised over the impact of this proposal coupled with the increase in traffic with the urban extension. As such the applicant has provided additional information to take account of this development. The Highway Authority has assessed this and our comments are set out below.

From the information provided it is likely that the Comeytrowe development will lead to a significant increase in vehicle movements on the highway network in the west Taunton area. However the TA addendum has concluded that within the study area this proposal will not result in a severe impact to the network even with the Comeytrowe development. The Highway Authority would agree with this assumption set out in the addendum.

Travel Plan: _

The submitted Travel Plan (TP) has been audited by the Travel Plan Team and a copy of the audit is attached for your information. However the only main outstanding issue is:

- The baseline targets in the TP do not correspond with those calculated by Somerset County Council using Nomis.

As a consequence the developer would need to address this point. Furthermore the TP would also need to be secured via a S106 agreement.

Internal Layout:

The proposed residential development site is to be accessed via Gwyther Mead to the north, which is currently an unadopted highway. Allowance shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain to depths of the bituminous macadam layers. The applicant should be aware that some elements of 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.

The following points relate to the proposed layout. Firstly the proposal has shown a straight section between plots 21 and 32, exceeds the recommended minimum length of 70m to keep vehicles speeds down to 20mph, indicated within 'Manual for Streets'. As a consequence the applicant will need to re-design this. The proposed block paved shared surface carriageways should be constructed to a minimum width of 5.0m with minimum margins of 500mm. Block paved carriageways should be designed with a longitudinal gradient no slacker than 1:80.

The section of carriageway serving plots 14-16 will not be adopted by Somerset County Council but should be constructed to an adoptable standard in terms of materials used and depths laid/compaction to satisfy Advance Payment Code legislation. The private drives serving plots 40 & 41 should either be extended to 0.5m to cater from tandem parking, as measured from the back edge of the prospective public highway or shortened to 6.0m. Adoptable 2.0m wide hardened margins will be required at the end of the turning arms

between plots 65-66 and 67-68. The drive serving plots 76-80 is not suitable in terms of adoption due to it being only 3.0m wide. Therefore, it will remain within private ownership. However to satisfy Advance Payments Code legislation, the drive should be constructed to an adoptable standard in terms of materials used and depths laid/compacted. Surface water from the drive, will not be permitted to discharge onto the prospective publicly maintained highway. The applicant should also note that an adoptable 2.0m wide hardened margin will be required at the end of the turning arm serving plot 44. An adoptable 17m forward visibility splay, based on vehicle speeds of 15mph, will be required across the inside of the bend fronting plots 36-37. Here shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above the adjoining carriageway level.

The applicant currently shows that the footway will terminate prior to the drive serving plot 38 however this will need to be extended into the block paved shared surface carriageway by 2.0m. Similarly to aid pedestrian manoeuvrability it would be preferable if the footway that is proposed to extend up to plot 21 is extended to include plots 17-20 and ending opposite the proposed cycle link. An adoptable 500mm wide margin will be required around the perimeter of the Public Open Space area running adjacent to the western boundary of the 5.5m wide internal access road. It would be preferable if a 2.0m wide footway could be provided in front of plots 68-75. If not then an adoptable 1.0m wide hardened service margin will be required. Prior to the submission of any reserved matters application the proposed layout would need to be tested for the swept path of a 11.4m long 4 axle refuse vehicle with particular attention being given to the turning heads.

The proposed pedestrian/cycle link that will connect onto Bishops Hull Road, should be constructed to a minimum width of 3.0m. An adoptable 20m forward visibility splay will be required across the bend opposite plots 15-16 and there shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above the adjoining carriageway level. Adoptable visibility splays based on dimensions of 2.5m x 20m in both directions will be required at the interface of the proposed pedestrian/cycle link with Bishops Hull Road. There shall be no obstruction to visibility within these splays that exceeds a height greater than 300mm above the adjoining carriageway level. Existing telegraph poles and a highway lighting column within Bishops Hull Road may need to be relocated to the back of the required visibility splays. Any works to the existing highway lighting column must not be undertaken without prior approval being granted by the Somerset County Council Highway Lighting Team. In addition the applicant would need to consider installing a staggered gate or bollards at the end of the cycle way to force cyclist to slow down or stop before they join [Bishops Hull] Road.

There were discussions during the pre-application stage about whether this footway/cycleway could double as an access for emergency vehicles if and when it was required to do so. However from the details shown on drawing L(--)004 Revision K it is apparent that this has not been included. Ideally the Highway Authority would require an emergency access in case the approach road to the site is blocked. However we would not want to see an over engineered solution. As such the Highway Authority would propose that the margins either side of the footway cycleway can be finished in a suitable grasscrete that is able to take the weight of the heaviest vehicle that will use it i.e. fire appliance.

The applicant will need to confirm the future maintenance arrangements for any grass areas that will be in within the highway boundary as Somerset County Council at present does not have the resources to maintain these areas. There appears to be a strip of grass between the shared surface carriageways terminating outside plots 41 & 42. Can the applicant confirm the reason for this? Is it their intention for the block paved roads to be treated individually? If that

is the case, then adoptable 1.0m wide hardened margins will be required at the end of the shared surface carriageways.

Section 4.3.19 of the planning statement states careful design of the highway street lighting will need to be considered to cater for continued foraging around the site by bats. It is therefore recommended that contact is made with SCC Highway Lighting Team at the earliest opportunity to discuss a suitable lighting design.

It is noted that the surface water from the application site will be attenuated. The applicant will need to be made aware that the proposed public highway should only be used as a last resort within which to store attenuation systems, and only then with the prior approval of the Highway Authority. Can the applicant please confirm the future maintenance arrangements associated with the proposed Attenuation Storage Pond?

Where an outfall, drain or pipe will discharge into an existing drain, 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, with a copy forwarded to Somerset County Council. Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from Grace Powell, Streetworks Co-ordinator on 0300 123 2224.

Finally Somerset County Council is not the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Somerset County Council Flood Risk Management Team was formed to satisfy the duties of this legislation. Under Section 23 of the Land Drainage Act there is a requirement to seek consent when converting or obstructing a watercourse, whether permanent or temporary. Previously, consent for work to ordinary watercourses outside Drainage Board areas was obtained from the Environment Agency. This has now transferred to Somerset County Council.

It is important to note that under no circumstances retrospective consent will be given for unconsented works. If unconsented works have occurred, the applicant/developer will be responsible for resorting the watercourse to its original condition. Failure to obtain Land Drainage Consent prior to carrying out the works may result in a fine.

Further information on this subject can be obtained by contacting the Flood Risk Management Team on 01823 356692.

Drainage:

The Flood Risk Assessment (FRA) has been assessed and the Highway Authority has the following comments to make.

There is no objection to the proposed surface water management strategy as it relates to the prospective public highway areas within the development but would take this opportunity to provide advice on the following:

Firstly the design of any pipes with an internal span of 900mm or greater will need to be approved by the Highway Authority as they will be deemed to be a structure in highway design teams. Secondly consideration needs to be given to providing a suitable off-carriageway hard standing area adjacent to the detention pond, outside of the junction visibility splays, to jointly serve as access and parking for vehicles/plant associated with the maintenance of the pond and the flow control manhole.

Conclusion & Recommendation:

In terms of traffic impact the Highway Authority is satisfied that the proposal will broadly not lead to a significant increase in vehicle movements and therefore is not considered to be severe in the eyes of the National Planning Policy Framework (NPPF). The document does indicate that one junction will be over capacity in the 2020 model. However the Highway Authority has accepted the principle that the total net amount of vehicle movements would be less than would be indicated as part of the outline application stage.

The Travel Plan is broadly considered to be acceptable with only a couple of points that need to be addressed. As a consequence a revised Travel Plan would need to be submitted and secured via a S106 agreement.

Finally the internal layout has been audited by Somerset County Council this is broadly considered to be acceptable although there are some points that will need to be addressed as part of the S38 process.

Therefore based on the above details the Highway Authority raises no objection to this proposal and if planning permission were to be granted then the Highway Authority would require conditions to be attached.

SCC - CHIEF EDUCATION OFFICER – No written comments received.

WESSEX WATER – Comment as follows:

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

According to AOD the site drains to the north. Connection may be possible to the Section 104 systems serving the recently developed Bishop Hulls site; although further checks will be required to the downstream system to ensure the additional flows do not increase the risk of downstream flooding and pollution.

There is a current foul sewer (dimensions unknown) which crosses the garden of Stone Gallows west to east and northwards through the gardens of Bishop Hull Road properties / possibly on the development site south to north. Some foul only connections to this sewer may be possible (a minimum 3 metre easement from this sewer will need to be observed, with no tree planting within 6 metres – sewer to be accurately located on site by private survey).

As a foul drainage strategy has yet to be agreed we recommend a planning condition should the application gain approval.

The applicant has indicated that Surface water will discharge via attenuation pond to existing unadopted surface water sewers serving new development to the north. The applicant advises that adequate spare capacity exists within proposed and existing surface water apparatus to ensure the pass forward flow to watercourse does not increase above existing; details to be agreed.

Recent water supply appraisal indicates that 80 properties may connect to the 4" CL main in Bishops Hill; buildings above two storeys will require on site boosted storage.

HOUSING ENABLING – Initially commented as follows:

25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. The shared ownership units should be located within their own block/terrace.

It was noted that revisions were required to meet the identified need.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

Further Housing Enabling comments in respect of the amended plans:

The previous Housing Enabling Comments made on this application suggested a revised mix to meet the current housing need. The application has now been revised and Housing Enabling are satisfied with the layout and mix of properties.

The affordable housing should meet at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list

POLICE ARCHITECTURAL LIAISON OFFICER – Crime Prevention Design Advisor

NPPF – states that new developments should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion (para.58), also safe and accessible developments containing clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas (para.69).

Design & Access Statement – should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in ‘Safer Places, the Planning System & Crime Prevention’. In this regard, the DAS contains a section headed ‘Community Safety’, para’s 424-428 inclusive of which indicate how community safety measures have been designed into this proposed development. I agree with and support the points made and comment further below.

Crime Statistics – reported crime for the area of this development (within 500 metre radius of the grid reference) during the period 01/04/2014-31/03/2015 is as follows:-

Burglary - 4 Offences (incl. 1 dwelling)
Criminal Damage - 2 Offences (incl. 1 damage to a dwelling and 1 damage to a motor vehicle)
Theft & Handling Stolen Goods - 1 Offence
Violence Against the Person - 1 Offence (common assault)
Total 8 Offences
This averages less than 1 offence per month, which are very low crime levels.

ASB reports for the same area and period total 13, which are also very low levels

Layout of Roads & Footpaths – appear to be visually open and direct and the use of road surface changes by colour and texture and features such as rumble strips and similar measures help reinforce the defensible space of the development. The cul-de-sac nature of the development also has advantages from a crime prevention perspective in that it helps frustrate the search and escape pattern of the potential criminal.

Layout & Orientation of Dwellings – all dwellings are positioned to face each other, which is also recommended, as this allows neighbours to easily view their surroundings and again makes the potential offender feel vulnerable to detection. The dwellings in the centre of the development are also ‘back to back’ which is advantageous as this restricts unauthorised access to the more vulnerable rear of dwellings.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The two areas of Public Open Space proposed for this development, although on opposite edges of the development, both appear to be well supervised from nearby dwellings.

Dwelling Boundaries – it is important that boundaries between public and private space are clearly indicated and generally speaking this appears to be the case. Dwelling frontages should be open to view to assist resident surveillance of the street and public spaces, so walls, fences, hedges etc. should be kept low, maximum height 1 metre. More vulnerable side and rear boundaries need more robust defensive barriers by using walls, fences, hedges minimum height 1.8 metres. Gates providing access to rear gardens should be the same

height as this fencing and lockable.

Rear Access Footpaths – research has shown that up to 85% of burglaries occur at the rear of dwellings, so it is preferable that footpaths are not placed to the rear of properties. Where essential to provide access to the rear of properties, they must be gated as near to the front building line as possible. This would appear to be relevant to a number of the properties, particularly those on the innermost edge of the development.

Car Parking – appears to be a mix of garages and on-plot parking spaces, which is the preferred option. The parking spaces serving the affordable units appear to be well overlooked from the properties they serve.

Planting – should not impede opportunities for natural surveillance or create potential hiding places, so in areas where visibility is important, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Street Lighting – for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489:2013.

Physical Security of Dwellings – the applicant is advised to formulate all physical security measures of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, 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

BIODIVERSITY – Comments as follows:

The application is for residential development of eighty dwellings, with associated infrastructure on land south of Kinglake, Bishops Hull. To access the site a section of hedgerow (approx. 30m) will need to be removed.

EAD Ecological consultants carried out an Ecological impact Assessment of the site in February 2015 . (A suite of surveys was undertaken on site from October 2012 to January 2014).

Findings are as follows:

Invertebrates

The desk study identified a number of invertebrate species likely to be on site, including brown hairstreak and pearl bordered fritillary butterflies.

Reptiles

Hedgerow and field margins on site are suitable for reptile species. Reptile surveys recorded a single slow worm along the eastern boundary, adjoining gardens that back on to the site.

I support the proposed precautionary measures for reptiles

Bats

Three trees along the western boundary (which are to be retained) were assessed as having high, moderate and low potential to support roosting bats Bat activity on site was generally low. I support the recommendation to erect bat boxes/tubes on site.

Dormice

Hedgerows on site provide suitable habitat for dormice although no evidence of the species was found during survey.

Birds

Nesting birds are likely to use the vegetation on site. Vegetation should only be removed outside of the bird nesting season. I support the recommendation to erect bird boxes on site.

Badgers

Two outlier setts were found within the survey area. I support the resurvey of the site prior to construction to establish the status of the setts. It is possible that timings of works near a sett will be restricted and the sett will need to be closed under licence.

Recommends conditions relating to the protection of hedgerows and wildlife interests.

LANDSCAPE – Comments as follows:

The LVIA for the site is generally sound.

I agree that the new development will not adversely affect the landscape character of this urban fringe site which is surrounded on three sides by existing housing.

From distance viewpoints the development will be glimpsed, but will be seen in combination with the Kinglake development.

The site currently lies within the Stonegallows Special landscape Feature. (EN11). However I agree that the development does not extend into the SLF such as it will harm the character of the area as the ridgeline will remain undeveloped and will still contain the settlement of Bishops Hull.

Due to the sensitive nature of this site, particularly on the ridgeline, the developer has confined the proposed housing to the west of the site on the lower ground. This has the benefit of not breaking the skyline and by moving the development away from the most sensitive receptors (residents of adjacent properties along Bishops Hull road). I support this decision but consider that the proposed Green space could be more heavily planted than proposed. (See my sketch plan) This development provides an ideal opportunity to provide a wooded ridge which will form a strong feature within the local landscape.

Limited views to the Quantocks and Norton hill fort could be retained in the proposed community orchard areas.

I do not consider that the form and arrangement of the proposed buildings is designed to be sympathetic as stated in paragraph 3.1.5 of the LVIA, but consider that the proposed layout is rather rigid and could be more related to local topography on site. I would like to see the eastern access road curve around the small knoll that currently exists in the field.

As well as more planting to the east of the site, I would like to see more planting around the new pond to the west of the site and consider that a new native hedge be planted to contain the small field adjacent to the site.

Planting details

Detail observations to the planting plans are as follows The species proposed are generally

satisfactory.

Dwg no LA01

1. I would like to see much more planting on the proposed open space to the east of the site. There is an opportunity in this location to plant a mixture of standard and whip trees to create a woodland feature on this sensitive ridge line. The small community orchard could still be planted within clearings (See Sketch plan).

Fruit trees proposed are satisfactory as are their spacing.

2. Spacing of trees throughout the site are quite wide (8M). I consider that in some locations spacing could be closer (5M) to allow more trees to be planted throughout the site.

Generally the choice of tree species is satisfactory. However where space allows *Sorbus aria Majestica* should be planted in preference to *Sorbus aucuparia* Sheerwater seedling (Plots 45 and 38)

3. I would like to see more native planting at the entrance of the site and near the SUDS feature. A mixture of standard and whip planting, along with native waterside planting could help to create a sense of place to this area making it more interesting both visually and for wildlife.

4. A native hedge (with gate access) would close views into the adjacent field rather than leaving it unenclosed.

5. Generally proposed shrub species are satisfactory. However I would prefer all hedging to be native mixed hedging rather than some beech hedges.

Dwg No LAO 2

The plant schedule should be on this drawing. Towards the entrance of the site which is on the edge of the countryside and near the SUDs feature I would like to see more native species and less ornamental shrubs, as already stated

Dwg No LA3

Proposed shrub species are generally satisfactory. However as stated I would prefer all hedging to be native mixed hedging rather than some beech hedges.

Further to my initial comments, I still consider the proposed layout to be rigid, unsympathetic to the existing topography and poorly designed. The density of housing appears high for an urban fringe site.

I note however that the properties to the east higher up the slope, now sit lower than previously proposed so I concede that this is an improvement. Although the development in my opinion, is poorly designed the development does not break the skyline of the ridge and will not impact on the Landscape character of the site.

I would like to see the proposed open space to the east of the site more heavily planted than proposed and I would like to see some native planting around the new SUDs pond.

LEISURE DEVELOPMENT –

In accordance with Local Plan Policy C4. Provision for play and active recreation should be

made for the residents of these dwellings.

The development proposal comprises 80 dwellings, 78 of which are family sized 2 bed+ dwellings. Both equipped and non-equipped on-site children's play should be provided of 20 square metres per the family sized dwelling at total of 1,560square metres. Play spaces should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. TDBC Open Spaces should be asked to comment on the design and content of the required equipped play area.

Public open space of 0.36 hectares should also be provided.

A contribution to public art should be requested, by commissioning and integrating public art into the design of the buildings and the public realm.

SCC - FLOOD RISK MANAGER –

The submitted FRA indicates that surface water discharge from the site will be restricted to 2l/s/ha and by increasing the storage volume in the existing development, there will be no increase in the rate of flow due to the proposed development.

Long term maintenance is to be through adoption by a combination of bodies and provided they are in agreement to this, it is acceptable.

I have no objections to this proposal.

ENVIRONMENT AGENCY – The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions requiring the submission of a detailed drainage strategy and its ongoing maintenance.

Surface water run-off should be controlled as near to its source as possible with sustainable drainage systems (SuDS). This reduces flood risk through the use of soakaways, infiltration trenches, permeable pavements, grassed swales, ponds etc.

SuDS can also increase groundwater recharge, improve water quality and provide amenity opportunities. A SuDS approach is encouraged by Approved Document Part H of the Building Regulations 2000.

The failure to maintain surface water drainage schemes could result in increased flood risk to the development and elsewhere.

SOMERSET WILDLIFE TRUST – Comment as follows:

We have noted the above mentioned Planning Application by Persimmon Homes as well as the supporting Ecological Assessment provided by EAD Ecological Consultants. In general we would support the proposals for mitigation and enhancement as outlined in that Ecological Assessment. We would also support the comments and recommendations made by the Authority's Biodiversity Officer. However, in addition to these enhancements we would also wish to see the provision of nesting boxes specifically for House Sparrows {in addition to the provision of Swift boxes}. We also consider that more could be done to protect new and existing hedges around the development site by incorporating wider buffer zones between the hedges and residential gardens. We also consider that the layout of the development is unimaginative and further provision could be made for the creation of wildlife corridors

through the site. We would request that all of these proposed enhancements and mitigations are incorporated into the Planning Conditions if it should be decided to grant Planning Permission.

PLANNING POLICY – Comment as follows:

1. Taunton Deane Local Plan – Adopted 2004:

The site previously formed part of the ‘Special Landscape Feature’ in the Taunton Deane Local Plan (2004). However, the Taunton Deane Local Plan Inspector had recommended that the Council should rigorously review the designation, and that the now developed land immediately to the north of the application site (Kingslake) should be removed from the SLF.

2. Taunton Deane Core Strategy - Adopted 2012:

The application site lies on the western edge of Bishops Hull, adjacent to (and surrounded on three sides by) the existing Taunton urban area as defined on the adopted Taunton Dean Core Strategy proposals map (policy SP1). Its status in the Core Strategy is open countryside forming part of the Special Landscape Feature.

3. Special Landscape Feature Assessment 2014:

This study was carried out in response to the Local Plan Inspector’s recommendation for review of the Special Landscape Feature as part of the evidence base for SADMP. The study has removed land, including the area proposed for allocation for development under SADMP policy TAU5, from the Stonegallows Hill Special Landscape Feature.

4. Taunton Deane Site Allocations and Development Management Plan - Publication Draft:

As part of its role in implementing the Core Strategy’s policies, the SADMP proposes the allocation of the application site and the adjacent parcel of land immediately to the west, for “around 70 dwellings” under policy TAU5. The policy indicates that development should respect the setting of the site in the context of the Special Landscape Feature and avoid the siting of properties at the highest, most prominent parts of the site. SADMP also includes a Design Brief.

5. Access:

The development of land to the north of the application site (Kingslake) has enabled access to the proposed development.

6. SADMP TAU5 Compliance:

The planning application proposes 80 dwellings on a site measuring about 80% of the total area allocated under policy TAU5. The application site is 2.8ha in extent, which equates to a density of 28 dph.

TAU5 proposes about 70 dwellings at 20 dph on a site of approximately 3.5ha. Were the whole site to be developed at the density proposed in the application it would accommodate 98 dwellings. The answer to the question of whether the current application represents an over-development of the site depends on how well the design of the proposal works both within the site and in context. The allocation was given a density similar to the Kingslake

development immediately to the north in order to provide for a development which respected the amenity of the surrounding properties some of which were developed at a considerably lower density.

The policy's requirement for a 20 dph density for the development helps to facilitate an appropriate design approach to respect the newly created boundary with the Special Landscape Feature. Notwithstanding the fact that the allocation's boundary with the Special Landscape Feature is separated from the application site by the narrow strip of allocated land not forming part of the application site, the density of development proposed makes it somewhat more difficult to respond properly to respecting the setting of the allocation in the context of the Special Landscape Feature.

The policy also requires that properties should not be sited at the highest, most prominent parts of the site. Whilst the layout included in the application avoids the high ground on the eastern part of the site which is proposed as public open space, buildings do occupy the high ground along the site's southern edge, relatively close to the neighbouring dwellings.

It should be borne in mind that the application is being considered in advance of the Examination of the Site Allocations and Development Management Policies Plan, there have been objections to the allocation of this site, and also to its removal from the Special Landscape Feature.

7. Bishop's Hull Design Brief:

SADMP also includes a design brief at Appendix D illustrating how the site could be developed in accordance with policy TAU5. A summary of what the Design Brief requires, what the Planning Application includes and a comment on each item is set out below:

| Summary of TAU5 Design requirement | Provision In the planning application | Planning Policy Comment |
|---|--|--|
| About 70 dwellings at 20 dph on a site approximately 3.5ha in extent. | The application proposes 80 dwellings on a part of the allocated site, being 2.8ha in extent, which equates to 28 dph. | The density set out in the brief would give rise to a development of 56 dwellings on a 2.8ha site. This would be more appropriate in the context of existing low and medium density development surrounding it.. |
| Design to follow broad principles of adjacent Kinglake development and integrate with the existing approved built form. | The density of development proposed is significantly higher than the existing housing to the east and south of the site, and is also of higher density than the Kinglake development to the north. | The character of the proposed development is broadly similar to the surrounding built up area, albeit of significantly higher density. |
| Development should retain and improve existing 'green' boundaries to the site | The proposed disposition of open space is in two main areas, in a strip on the higher part of the site at its eastern edge, and in the central part of the western edge of the site. | The boundary of the TAU5 allocation to the open countryside does not form part of the proposed application site boundary. |
| Care to be taken with lowest lying western area | The proposed surface water attenuation measures involve | The proposed attenuation arrangements are not |

| | | |
|--|---|--|
| which could suffer from waterlogging or flooding. Any necessary water retention feature should be contained within the site boundaries | increasing the size of the southernmost of the basins in the Kinglake development. | contained within the site, however they involve modification to the existing attenuation arrangements for Kinglake, thus avoiding any potential for incursion into the open countryside. |
| Vehicular and pedestrian access via the hammerhead at the end of Gwyther Mead subject to agreement with the highways authority | Vehicular access is proposed via Gwyther Mead. Pedestrian and cycle access is also proposed via the route of the existing agricultural access from Bishop's Hull Road. | This is the proposed form of access in the planning application. |
| A pedestrian (and if possible cycle) link to the Stone Gallows public house to the south, whilst safeguarding preserved trees. | No pedestrian link to the Stone Gallows public house is proposed in the application. | A pedestrian / cycle link is provided from the north-eastern extremity of the site to Bishop's Hull Road. There is no such link to the south. |
| Care in design of layout to retain a degree of privacy and amenity from overlooking in relation to the existing properties in Bishop's Hull Road and Gwyther Mead | Whilst public open space has been used to provide a buffer between the new development and the back gardens of houses in Bishop's Hull Road, no such provision has been made on the southern or northern edges of the development | This appears to have been addressed on the eastern edge of the development with an open space buffer behind the houses in Bishops Hull Road. The northern and southern edges of the development have not been afforded the same treatment. |
| Minimisation of impact on adjacent countryside beyond the settlement boundary, ie: no more than two storeys and sited to reduce impact on the higher more prominent western (NB: <i>this should read 'eastern'</i>) parts of the site | The proposed development is not adjacent to the countryside, the remaining strip of proposed allocated site in SADMP being in-between. The development form is of a maximum of two storeys. | A maximum of two storeys has been used in the development. |

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

NATURAL ENGLAND – Comment as follows:

The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites,

landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. Page 2 of 2

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Local Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character

in your local plan or development framework.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Representations

49 letters of OBJECTION were received to the originally submitted application raising the following comments:

Principles

- Taunton can't be so desperate for development that this land needs to be built on.
- Query why so many houses are being put onto the site.
- The emerging SADMP proposes 70 dwellings over a larger – the application in effect proposes a 40% increase.
- With proposals for 2000 homes in Comeytrove, why are another 80 needed here? The disruption that would be caused by this relatively small development is disproportionate to any benefit in at going ahead.
- It is questionable whether there is a need for further development in this part of Taunton when development is still ongoing in Norton Fitzwarren and Monkton Heathfield.
- Charles Church had permission for 220 dwellings but did not build them all. The development allowed here should be restricted to the shortfall (c.50).

Landscape

- The Stonegallows Ridge is a Special Landscape Feature (SLF). Previous attempts to build on it have been resisted, it should not be allowed now.
- A government Inspector is due to consider the removal of the site from the SLF in the summer, but until that time, development should not be allowed on this site. Any decision to allow development before the Inspector has considered this would be improper and premature, especially given the local opposition to the removal of the designation.
- Careful consideration must be given to the placing of dwellings and site levels – the site is very much higher and steeper than Kinglake phase 1.

Traffic

- Traffic will increase on the narrow one-way stretch of Bishops Hull Road having a detrimental impact of noise, queues and pollution on neighbouring property.
- Traffic on Bishops Hull Road is already awful.
- It is already difficult to exit properties on Stonegallows.

- Gwyther Mead is not a suitable access for 80 additional properties. Construction traffic will make it dangerous for pedestrians, including children. It is not wide enough for lorries to pass and there is no potential for a one-way system to be introduced. Speed humps installed for phase 1 are ineffective at slowing traffic.
- Access should be from Wellington New Road.
- No road improvements are proposed, the assessments that this is based on are 8 years old.
- Silk Mills Road and Wellington New Road are at Saturation point. There will be extra congestion around the post office and village centre.
- The existing junction of Waterfield Drive with Silk Mills Lane is particularly poor.
- The submitted traffic statements indicate that congestion will increase, but make no indication of how this could be mitigated. Personal injury accidents are referred to, but there is no reference to the increasing number of damage only collisions.
- Insufficient off-street parking is proposed for the new development, cars will be parked on the highway just as they are in phase 1.
- Consideration must be given to traffic calming on Waterfield Drive.

Layout and design

- The density of development is too high and the development is not in keeping with the surroundings.
- It is proposed to raise some ground levels, exacerbating the landscape impact and the impact on surrounding property.
- The inclusion of such high density development along the southern part of the site is not at all in keeping with existing properties on Stonegallows.
- The dwellings do not respect the surrounding properties; there is no uniformity in the design and the roofs are all different colours.
- The lane linking the site to Bishops Hull Road should remain for pedestrian use only. Use by emergency services could result in damage to the boundaries to neighbouring properties.

Infrastructure

- Schools and doctors surgeries are already overloaded.
- No play equipment is proposed on the site, it is unfair to rely on the existing provision at Kinglake phase 1.

Neighbouring property

- The hedge adjoining Gwyther Mead is weak in places and should be improved.
- Gwyther Mead will be overlooked and the development will be overbearing – particularly Plots 14-16.
- Stonegallows will be overlooked.
- A robust boundary along Stonegallows properties must be erected prior to any building work commencing. Existing boundaries are not cat, dog or intruder proof.
- The proposed pedestrian/cycle link to Bishops Hull road will cause an invasion of privacy to those properties adjoining it.

Flood Risk and drainage

- Flood Risk has not been adequately addressed, there could be increased flood risk at Shutewater Hill and the Cross Keys pub. Flooding has increased in Netherclay since the phase 1 development was commenced.
- The site is steeply sloping and development can only increase flood risk – there is no other reason that the developer would propose an attenuation pond.
- The enlargement of the attenuation pond outside 10 Gwyther Mead could lead to damp problems if the water table rises. It will be brought within 4m of existing houses.
- No point of foul discharge has been identified. This must be clarified – existing properties already experience sewerage problems.
- There are existing sewage flooding issues in Stoneallows, this must not be allowed to be increased by the development.
- Flood control systems can only work until the controlling systems are full – at times of extreme weather events when the systems are exceeded, flood risk will be greater.
- The developer should be required to improve the Shutewater culverts or this will have to be picked up at public expense in the future.

Ecology

- There is nightly bat activity in the area. Any external lighting must be designed so as not to harm these interests.
- Development should be prevented to protect deer, foxes, buzzards, pheasants and badgers which use the area.

Construction issues

- Two-way traffic along Gwyther Mead is impossible. A proper and well enforced construction management plan is required.
- Persimmon will not adhere to any planning permission given and will build what they like.
- Radios should be banned from the site. Rigorous enforcement of construction protocols is required.
- Planning conditions must be robust and TDBC must be prepared to enforce them.

8 further comments have been received in respect of the amended plans raising the following points:

- Flooding concerns have not been addressed.
- Reducing the levels slightly does not overcome the previous concerns.
- Raising the hilltop mound will mean that people using the open space will be able to look directly down into the back of Bishops Hull Road properties.
- The amendments do not address concerns that the properties do not respect the surrounding development.

PLANNING POLICIES

EN1 - Landscape and Biodiversity,
EN11 - TDBCLP - Special Landscape Features,
EN12 - TDBCLP - Landscape Character Areas,
EN11 - TDBCLP - Special Landscape Features,
EN1 - Landscape and Biodiversity,
EN12 - TDBCLP - Landscape Character Areas,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, and accounting for affordable housing relief the CIL receipt for this development is approximately £343,300.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

| | |
|--|---------|
| Taunton Deane Borough Council (Lower Tier Authority) | £91,925 |
| Somerset County Council (Upper Tier Authority) | £22,981 |

6 Year Payment

| | |
|--|----------|
| Taunton Deane Borough Council (Lower Tier Authority) | £551,553 |
| Somerset County Council (Upper Tier Authority) | £137,888 |

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application are considered to be the principle of the development, the landscape and visual impact, the impact on neighbouring property, the impact upon highways, the provision of children's play space and other infrastructure, the impact on ecology and surface water drainage.

Principle of development

The site currently lies outside, but adjoining, the settlement limit for Taunton. The proposal is, therefore, contrary to the development plan, in particular policies DM2 and CP8 of the Core Strategy.

The site is proposed to be allocated in the emerging Site Allocations and Development Management Plan (SADMP). This draft allocation suggests that the current application site and the paddock to the west could, between them, accommodate approximately 70 dwellings. The policy (TAU5) sets out a number of criteria including a need to keep development away from the highest part of the site and respect the setting of the site in the context of the Special Landscape Feature

(SLF).

However, the SADMP is not yet adopted and given the substantial objection to this proposed policy (more than any other site in the plan) there is uncertainty over the likelihood of allocation and it is considered that the emerging policy should be given little weight. Following on from this, however, if the allocation policy is to be given little weight in principle, its specific criteria cannot be relied upon to guide the eventual form of development.

Given the status of the SADMP at the present time, the development plan is considered to be silent on the matter of future housing allocations. In such circumstances paragraph 14 of the NPPF applies as an extremely weighty material consideration. Its words are echoed in Policy SD1 of the Taunton Deane Core Strategy and state the following:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

... For decision taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.*

This application should, therefore, be permitted if it is found to be sustainable development unless there are other material considerations that substantially and demonstrably outweigh the benefits.

The NPPF makes clear that the provision of additional housing should be considered a benefit in favour of granting permission. This development would also result in the provision of additional affordable housing with a policy compliant 25% of the dwellings being affordable at a mix and tenure that contributes to the need identified by the Housing Enabling Lead.

Whilst the SADMP itself is not yet adopted, the Sustainability Appraisal that accompanies the published plan indicates that the site is considered to be a sustainable one in terms of its location and accessibility to services. This, combined with the general thrust of the NPPF which seeks to significantly boost the supply of housing in sustainable locations is considered to establish a presumption in favour of the development unless this is significantly and demonstrably outweighed by any identifiable harms. These potential harms are considered to be the main material considerations that need to be assessed in the determination and are set out in the remainder of the report.

Layout and design; landscape and visual impact

The landscape and visual impact of the development is considered to be the main material consideration influencing the acceptability of this development. At the present time, the site is within an identified Special Landscape Feature (SLF), which recognises the sensitivity of the landscape and the role that it plays in forming the urban edge of Taunton. Adoption of the SADMP in its published form would remove the site from the SLF. This is a consequence of a review of the SLF which recognises the limited contribution that this field provides given that it is surrounded on three sides by residential development.

A report to the Local Development Framework Steering Group in November 2014, as part of the evidence base for the SADMP included a technical assessment/review of all of the Borough's SLFs, prepared by the Council's former Landscape Lead. This set out the special features of the SLF and recommendations for amendments to the boundaries. The special features of the SLF were defined as follows:

"The escarpment of the SLF 'hides' the built environment of Taunton from the west and provides a sense of enclosure when seen from the east. It provides a noise barrier to the M5 motorway to much of the western part of Taunton and Trull and wider access to the open countryside of the vale".

In terms of amendments to the boundary, the following points were made:

"The area of the original SLF which included the area of land to the north of the village has now been significantly separated through the residential development of land to the west of the Bishops Hull Road and it is proposed that they are now treated as two separate designations. The Local Plan Inspector, in his analysis of the Borough Wide Local Plan of 2004, considered that the stream/brook running north to south along the lowest part of the Bishops Hull Road valley should no longer be considered part of the SLF. The special qualities of the SLF of the Stonegallows Ridge relate more to the sense of enclosure provided by the more westerly edges of the escarpment. It is therefore proposed to remove any of the land to the east of the brook.

It is proposed that the recently permitted area of housing to the western edge of Stonegallows is also removed as this does not contribute to the special landscape character of the area".

This technical work, prepared by the Council's former Landscape Lead is considered to carry substantial weight, but the removal from the SLF does not necessarily automatically justify the development of the site if the development were considered to be unacceptable for other demonstrable reasons.

In terms of the specific impacts of the development, then, it is clear that the development will have a perceptible visual impact. This will be particularly acute when viewed from the public footpath to the west on the Stonegallows ridge and to a slightly lesser extent the footpath to the northwest that connects to the existing Kinglake development.

From the immediate west, the site can be seen in the foreground in the context of the Kinglake development, properties on Bishops Hull Road and to a lesser extent those at Stonegallows. From here, the Kinglake development appears present in the foreground, but somewhat bedded down in the landscape, particularly as the dwellings on the southern boundary are substantially 'dug-in' to the ground and this is without the benefit of well-established landscaping as the site is relatively new. The Bishops Hull Road properties certainly break the skyline, but the established rear garden planting and their position slightly beyond the ridge of the hill helps to soften their impact. Dwellings on the application site, by contrast, will be elevated substantially above those on Kinglake and will appear substantially raised out of the ground.

The proposed development avoids the extreme eastern part of the field, being the highest part of the site and above a steep rise up on the northern edge. It does not, however, avoid the prominent Knoll in the centre of the site. At this point, it is proposed to substantially cut the development into the hillside in order to reduce its prominence in the landscape. Some spoil would be deposited to the east of the dwellings to increase the height of the knoll and help new planting to form a stronger backdrop. This is in response to concerns your officers expressed in relation to the application as originally submitted which showed dwellings in this location to be extremely elevated above those proposed to surround them.

The criticism put to the developer by your officers was that the design approach was, fundamentally, a poor one. It appeared that the layout had been designed on a flat piece of paper that was then forced onto this steeply sloping awkward site. Once the 2 dimensional work had shown that 80 dwellings could be accommodated, this was the number that was to be pursued and the applicant has shown no willingness to reduce it. The proposed layout has not been changed in response, but further digging in is proposed to reduce the level differences and make the development less dominating in the foreground when viewed from the west. Fundamentally this is still poor design, one that has the impression of evolving from 2 dimensional design work rather than a sound analysis of the site and a design that stems from this, exploiting the unique topography. It does not work with the site levels, rather alters the shape of the hillside to enable access to each of the proposed properties.

As well as concerns over the approach to the topography, it is also questionable whether the scheme does not provide a policy compliant amount of open space. Retained Policy C4 of the Taunton Deane Local Plan requires 2.8ha of public open space per 1000 population. This equates to just over 0.5ha (5000 square metres). On a generous estimate, the open space proposed on the eastern side of the site is approximately 3000 square metres. The applicant argues that the area around the balancing pond to the west ought also be included in the calculation – the bottom of the pond would remain damp for ecology benefits, but the remainder of the area would equate to around 2000 square metres. Your officers concern relates to the usability of this area, given that it is formed of the sloping banks to the pond, at a gradient of 1 in 4. This is not too steep to be unsafe, but it is questionable how usable the space is in terms of a wider public benefit; ordinarily, such would not be counted in an open space calculation. That said, much of this site is steeply sloping and it would not be possible to provide open space for informal ball games and the like. Instead, the open space would be mainly used for casual sitting out and dog walking. The pond area can contribute to the general openness of the development in this regard and, offers a visual link through to the surrounding open countryside.

There are also public footpaths in the vicinity which would bring recreational benefit.

In their consultation response, the Highway Authority have also raised some concerns about the proposed layout, with the inclusion of a 120m straight length of road, which would encourage inappropriately high traffic speeds. The Highway Authority will have to determine in due course whether some additional traffic calming will have to be retrofitted to the layout. This is another factor which points to a generally poor approach to the site design and collectively suggests that perhaps the site is being asked to deliver too many dwellings, which is telling given the overprovision against published policy TAU5 (although, as noted above, little weight should be given to this policy).

Indeed, there has been criticism from local residents that the proposed density of the site and a lack of respect for the surrounding character of development which is considerably more spacious. It is true, that the proposed development, particularly along its southern edge, is much more dense than those properties adjoining on Stonegallows. However, it is difficult to see significant harm stemming from this – the two developments will only ever be seen in very different areas of public realm, with the character of Stonegallows and Bishops Hull Road being enjoyed from the fronts of these properties. The difference in character would only be perceived from within these existing properties and it is considered that limited weight should be given to these private viewpoints.

In light of the design concerns, your officers have suggested that the scheme should be referred to the design review panel, however the applicant has commented that they have gone too far down the design route for them to be prepared to have any meaningful input from design review. They have also suggested that in order to address your officers concerns over design, Persimmon would have to move so far from their company objectives and principles in terms of site coverage and so they would not be prepared to consider a radically different approach. In your officers' view, this does not excuse poor design where the context ought to indicate that a different approach was taken.

The NPPF sets out that design is fundamental to good planning. Paragraph 17, which sets out 12 principles for planning, indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In section 7 – “requiring good design”, it is stated that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development and being indivisible from good planning. A number of guidelines are set out, including a need for development to respond to local character and history, and reflect the identity of local surroundings; the integration of development into the natural, built and historic environment should be assessed. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It can be seen, then, that good design is an important part of the planning process, and the Local Planning Authority is justified in seeking a sound approach that responds to the local context. However, where design is poor, your officers also consider that it is necessary to consider the harm that may be caused by any perceived poor design.

In terms of harm, then, the development is clearly seen from the west as being surrounded on three sides by existing residential development. That to the north (Kingleake), is present in the view on rising land, albeit reasonably well bedded into the hillside, particularly on its southern boundary. To the east, Bishops Hill road dwellings break the skyline, but are beyond the ridge line and supported by established planting. To the south, the Stonegallows properties are certainly present, are clearly skyline development and form a total visual stop in that direction, albeit at a greater distance from public viewpoints than the dwellings now proposed would be.

The new site levels seek to reduce the domination of the proposed dwellings, preventing them looming out of the hillside. Those in the main north-south street now does this effectively and the tree planting proposed beyond, on the higher ground, would provide a satisfactory integration with the surrounding development. No such ground reduction has been proposed in the southeast corner of the site which is almost as high as the prominent knoll. However, these dwellings would be seen behind those on the main part of the site and well within the context of those at Stonegallows which already form a strong visual stop and are higher still. It is, therefore, considered that their presence in the landscape is not significantly harmful.

It is unfortunate that the dwellings on the northern boundary are proposed in places to be almost 2m above those adjoining on Kingleake. This will mean that the development is not so well bedded into the landscape as that first phase of development and will be seen rising up above it when viewed from the northwest. However, it is not considered that in the context of the development as a whole, this will be significant.

In summary, then, your officer's opinion is that the proposed development is unimaginative in its design approach, furthermore it would appear that the design has been created with little respect for the site – the extensive engineering proposed is testament to the way that it is being retro-fitted onto the awkward shape of the hillside. It certainly does not grow organically out of the hillside, exploiting the topography in any way. However, this in itself is not a significantly harmful impact, with the resulting site levels creating a proposed development that would not be unduly present in the landscape. The urban edge of Taunton would be moved slightly to the west and dwellings would become visible in the foreground rather than the present situation where the majority of Taunton exists beyond the existing ridge line of Bishops Hull Road. That, however, is with one important exception – the existing Kingleake development which sits on similar rising land immediately to the north, albeit not so steep. The principle of developing this side of the ridge has been established, it will not create new harmful skyline development and with the additional tree planting proposed, will not cause an unacceptable landscape impact given the surrounding existing development.

Despite the poor design solution, it is therefore considered that the landscape and visual impact of the proposal is acceptable.

Relationship with surrounding property

The site is bounded on three sides by existing residential properties and the relationship with each boundary is very different.

To the north, the properties on Gwyther Mead are substantially lower than those proposed. There is a danger, therefore, that they could be overpowered by the proposed development. Indeed the level difference of almost 2m in places means that the proposed two storey dwellings would have a similar impact to 3 storey dwellings on a flat site. The developer has acknowledged this by providing the proposed dwellings with 16-17m rear gardens where they back onto the boundary giving a back to back separation of around 26m, significantly in excess of the 20-21m rule of thumb which tends to apply to a conventional 2-storey level relationship. It is unfortunate that the proposed, higher, dwellings are also to the south and could, therefore, lead to greater overshadowing, but it is considered that the separation distance proposed is acceptable in this context.

Plots 14-16 are considerably higher still, being raised approximately 3.5m above the proposed dwelling on Gwyther Mead. These properties are side on to the existing garage and a shade under 2m from the site boundary. Plot 16 would be a minimum of 15m from 5 Gwyther Mead. Given the change in levels, this has the potential to be overbearing on the existing dwelling, but this and any potential for overlooking is reduced by the off-site siting of the two plots and their orientation.

The existing boundary in this location is a well-established and well maintained hedge. Whilst it is weaker in some parts, it is generally a clear, straight line that would provide a clearly definable boundary between the properties concerned. It is not considered that there is any need to provide additional boundary features in this location. Some concerns have been raised from the residents of Gwyther Mead that the height of the hedge would make it difficult to maintain from their side, but its retention as a boundary feature is considered preferable to its removal and replacement with timber fencing.

The boundary is slightly weaker at its eastern end, especially where the proposed footpath/cycle link emerges into the site. From here it is possible to look directly into one of the properties on Kinglake 1, with the footpath being level with the first floor windows of the existing dwelling. It is recommended that a condition is imposed to seek final agreement over the boundary treatment in this location as some form of additional hedge/tree planting will be required to prevent views into this property from users of the footpath.

To the east, the properties on Bishops Hull Road also back onto the site. The dwellings are generally sat on the top of the ridge some distance from the site boundary with long back gardens of at least 25m at the northern end extending to over 40m at the southern end of the site. These properties will also border the proposed public open space at the eastern side of the site, so there is no concern regarding overlooking or any overbearing impact. True, some of their outlook may be obscured by new development or proposed landscaping, but the planning system does not allow people to be entitled to a view and the impact on the general outlook and amenity is minimal.

The eastern site boundary is a somewhat haphazard mix of hedges and low fences. It provides an unsatisfactory boundary to the future public open space in terms of both visual amenities and the security of the existing dwellings. The applicant has

agreed to planting a hedge along this boundary, with a new fence behind it to provide security to the existing residents. It is considered that any condition requiring this should include some flexibility to allow for negotiation between the parties in the future and scope for agreeing an alternative if this is considered appropriate.

To the south, the properties on Stonegallows are also some distance from the site boundary, again in excess of 30m. They are also significantly higher than the proposed dwellings – over 3m at the eastern end and increasing to the west as they climb the hill as the proposed dwellings drop down. Again, then, there is no overlooking concern. There will be some significant impact on the outlook of the existing dwellings, which currently enjoy views across the vale to the Quantock Hills from garden level and this would be lost. Given the general separation from the site boundaries, however, it is not considered that this should be given significant weight as the dwellings would still enjoy a good level of amenity. Some of these neighbouring residents have expressed concern over the density proposed along the boundaries, commenting that there are, on average, 3 dwellings proposed for each existing dwelling. Their concern is that the proposed development is not in keeping with those that surround it, but it is considered that the impact to be considered here surrounds whether the development would be overbearing upon them. Given the separation from the dwellings themselves and the long rear gardens, it is not considered that there would be an unacceptable overbearing impact caused by the higher density.

The existing boundary here is also a mix of hedges and fences and one area where the fence is collapsed/removed. The boundaries are generally higher than on Bishops Hull Road. The precise boundary line is also somewhat uncertain. It is considered appropriate to require a new fence to define the boundary line in this location. Some concern has been raised by existing residents about the need for an ability to maintain their existing boundary fences/hedges. However, this is a civil matter between the parties and not a material planning consideration.

There are a handful of locations on the boundaries where pedestrian gates have been installed into the application site. However, the provision/continuity of any access is also a civil matter between the parties concerned; there is no public right of way.

With regard to the foregoing, the impact on neighbouring residents is considered to be acceptable.

Highways

The application proposes to access the development via Kinglake phase 1 from Bishops Hull Road, proceeding down Quartly Drive and Gwyther Mead. The Highway Authority consider that these access routes are appropriate and capable of accommodating the increase in traffic, their detailed comments being set out above.

Substantial alterations were carried out to the junction of Bishops Hull Road with the A38 to the south to facilitate the phase 1 development. Those works were required on the basis of the impact of an outline application for 220 dwellings and a transport

assessment modelled on the basis of up to 250 dwellings. In the event, only 171 dwellings were constructed on phase 1, leaving 'spare capacity' of 79 dwellings. The Highway Authority has confirmed that the modelling carried out in support of the phase 1 application is indeed supported by the actual trip generation surveyed for the purposes of this application, so it is reasonable to allow the current development without any further highway mitigation works and that the additional congestion at the Silk Mills Road/Waterfield drive junction would be no worse than previously anticipated when the phase 1 outline permission was granted. The Highway Authority also consider that when combined with the proposed Trull/Comeytrowe urban extension to the south the proposed development is unlikely to result in a severe impact upon the local highway network.

Concern has been raised regarding the ability of Gwyther Mead to accommodate the increase in traffic that would use this as a means of access to the new development.

It is true that this existing cul-de-sac would become a major two-way road, however, the Highway Authority have not raised any objection to its use as such. They also agree that the proposed emergency/cycle access from Bishops Hull Road would not be suitable for construction traffic. On this point, the Highway Authority have confirmed that the emergency access is required and should be delivered as soon as possible. The layout suggests that 15 dwellings would appear to be an appropriate trigger. Some concern has been raised that use of this access by vehicles could cause damage to the boundaries with neighbouring properties. However, usage is likely to be extremely rare and in any case, this is considered to be a civil matter between the parties.

The Highway Authority considers that the proposed travel plan does not yet meet its requirements but that minor amendments would make it acceptable. These can be dealt with whilst negotiations for any S106 agreement are being undertaken.

With regard to the above, it is considered that the proposals are acceptable in terms of the likely highway impact.

Children's play and other infrastructure

The development does not propose any on-site children's play. The applicant has reached this decision following comments from existing neighbouring residents requesting that it is not provided alongside their properties. Instead, it is proposed to increase the specification of the play area on Kinglake to the north, providing an additional 3 pieces of equipment within the NEAP and an additional 2 within the LEAP. The Community leisure officer is content with this given the short distance to the existing facilities and the solution would not only help to safeguard the amenities of existing Bishops Hull Road residents, but would also provide greater play value for all users of the Kinglake phase 1 area. The additional equipment can be secured through S106 agreement.

The overall quantum of proposed public open space has been discussed above, and whilst it falls short of the Council's normal standards in terms of usable open space, it is considered that the pond area can contribute to the required area given the likely use that any POS on this site would be put to.

Both Bishops Hull Primary School and Castle School currently operate over capacity

and the development will add more pupils into these catchment areas. The development is not of sufficient scale to require new schools or any form of on-site provision. The impact would be to displace admissions to these schools from pupils that are currently outside the catchment into other schools and, as such, it is not considered that this matter can warrant refusal of the application. Education provision is a matter that will need to be assessed when considering the way that CIL should be spent in the future.

Ecology

The site has been shown to have a generally low potential to accommodate wildlife and there is unlikely to be a requirement for any European Protected Species license from Natural England. It is considered that the impact on wildlife can be mitigated through the protection of existing hedgerows and adherence to method statements. Such can be secured through conditions.

Flood risk and drainage

The site is within flood zone 1 and is, therefore at low risk of flooding itself. The main issue is, therefore, the control of surface water drainage and the prevention of any increase in off-site flood risk.

It is proposed to drain the site to watercourses via the attenuation ponds in Kinglake phase 1. The ultimate discharge from the phase 1 site has been agreed and implemented. The proposals seek to both limit discharge from the current site to the EA requirements of 2l/s/ha and to ensure that there is no increase in ultimate discharge from the final outlet on the phase 1 site. This is accommodated through a large attenuation pond on this development and a slight increase in the size of the first attenuation pond on phase 1. This is required to ensure that the outlet from this development itself is not so small as to fail to function properly.

The drainage scheme therefore complies with EA standing advice and there is no objection from the SCC Flood Risk Manager.

Other matters

Concern has been raised from local residents that proposed means of foul water disposal has not been confirmed – it is stated that then it would either be via the existing Kinglake pumping station, or pumped to the existing sewer in Bishops Hull Road. Persimmon have confirmed that it is their desire to connect to the existing Kinglake pumping station, but final agreement on capacity is still required from Wessex Water and more work is required. Whilst local residents are concerned about capacity issues in Bishops Hull Road and Stonegallows, it is considered that the purpose of the further work currently being undertaken is to ensure that capacity would not be exceeded, wherever the ultimate point of connection. Ultimately, Wessex Water are raising no objection to the proposed development although they are recommending a condition that final details are agreed and this is considered to be an acceptable way to proceed.

There have also been suggestions that some control over working hours and construction traffic management should be imposed. However, such are notoriously difficult to enforce and not without their problems in any case – traffic cannot be prevented from using the public highway and controlling the times that traffic can enter the site usually results in construction traffic parking on the highway just outside the application site, which is probably less desirable. In any case, it is considered that traffic will have to be routed via Gwyther Mead as the access direct from Bishops Hull Road is unlikely to be suitable for day to day use during construction. Noise disturbance during construction can be controlled by Environmental Health should it be so serious as to result in statutory nuisance and this is somewhat more effective than the somewhat blunt instrument of working hours that could be imposed on a planning permission. In this context, it is not considered necessary to control the construction process.

Conclusions

The site is currently outside the settlement limit for Taunton/Bishops Hull. Along with a strip of land to the west, it is proposed for allocation in the SADMP for around 70 dwellings. However, due to the objections to this policy, it is considered that it should carry limited weight. Due to the current status of the development plan, it is considered that paragraph 14 of the NPPF and policy SD1 of the Taunton Deane Core Strategy should carry considerable weight and that the development should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

In accordance with guidance in the NPPF, it is considered that there are substantial benefits from granting planning permission in respect of increasing the supply of housing in a sustainable location. 25% of the dwellings would be affordable in accordance with adopted policy CP4 of the Taunton Deane Core Strategy. It has been shown that the development would not have a significant landscape impact when viewed from outside the site and would not harm the role that the Stonegallows Ridge SLF provides as both a screen from the west and a backdrop from the east. The highway impact of the development would be acceptable, it would not harm wildlife impacts nor give rise to an increase in off-site flood risk.

That said, the proposal is considered to be poorly designed. Parts of the proposed open space are not of high quality, incorporating an attenuation pond. The proposed layout does not respond well to the topography and has the appearance of being somewhat ‘forced’ onto the site. The relationship with 5 Gwyther Mead is also only marginally acceptable, given the levels. The highway layout is also poor and may require retrofitted traffic calming when the detailed design passes through the Highway Authority’s technical audit. However, given that the wider harm caused by these shortcomings is not considered to be significant, on balance, it is considered that the poor design does not outweigh the benefits of granting planning permission when considered against the Core Strategy and the NPPF taken as a whole.

It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454