

05/16/0003

PERSIMMON HOMES (SW) LTD

Erection of residential development of 75 dwellings, public open space and associated infrastructure including drainage works and attenuation pond on land south of Kinglake, Bishops Hull, Taunton

Location: LAND SOUTH OF KINGLAKE, BISHOPS HULL, TAUNTON

Grid Reference: 320182.124148

Full Planning Permission

Recommendation

Recommended decision: Subject to the applicant entering into S106 agreement to secure:

- 25% of the dwellings as affordable housing.
- 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.

Conditional Approval

Recommended Conditions

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

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

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

(A1) DrNo 99 Rev P1 Site Location Plan
(A1) DrNo 120 Rev P1 Site Layout Plan
(A1) DrNo 300 Rev P3 Street Elevations - Roads 1/2 & 5

(A1) DrNo 120 Rev P4 Phase 2 Site Layout Plan
(A1) DrNo 121 Rev P4 Phase 2 External Materials Plan
(A1) DrNo 125 Rev P4 Phase 2 Site Landscape Plan
(A1) DrNo 126 Rev P3 Phase 2 Plot Landscaping Details - Sheet 1 of 2
(A1) DrNo 127 Rev P3 Phase 2 Plot Landscaping Detail - Sheet 2 of 2

(A2) DrNo 130 Rev P2 Phase 2 Affordable Housing Distribution Plan

(A1) DrNo 300 Rev P3 Phase 2 Street Elevations - Roads 1,2 & 5

(A3) DrNo 501-1 Rev P3 Alnwick Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 501-2 Rev P3 Alnwick Housetype Design Sheet 2 Elevations & Floor Plans

(A3) DrNo 503-1 Rev P2 Hanbury Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 503-2 Rev P2 Hanbury Housetype Design Sheet 2 Elevations & Floor Plans

(A3) DrNo 503-3 Rev P2 Hanbury Housetype Design Sheet 3 Elevations & Floor Plans

(A3) DrNo 503-4 Rev P2 Hanbury Housetype Design Sheet 4 Elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 503-5 Rev P2 Hanbury Housetype Design Sheet 5 Elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 503-6 Rev P2 Hanbury Housetype Design Sheet 6 Elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 504-1 Rev P2 Rufford Housetype Design Sheet 1 Elevations & Floor Plan

(A3) DrNo 506-1 Rev P2 Souter Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 506-2 Rev P2 Souter Housetype Design Sheet 2 Elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 506-3 Rev P2 Souter Housetype Design Sheet 3 elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 506-4 Rev P2 Souter Housetype Design Sheet 4 Elevations & Floor Plans (Affordable Housing Units)

(A3) DrNo 507-1 Rev P2 Hatfield Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 507-2 Rev P2 Hatfield Housetype Design Sheet 2 Elevations & Floor Plans

(A3) DrNo 510-1 Rev P3 Roseberry Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 516-1 Rev P2 Chedworth Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 516-2 Rev P2 Chedworth Housetype Design Sheet 2 Elevations & Floor Plans

(A3) DrNo 516-3 Rev P2 Chedworth Housetype Design Sheet 3 Elevations & Floor Plans

(A3) DrNo 517-1 Rev P2 Winster Housetype Design Sheet 1 Elevations & Floor Plans.

(A3) DrNo 517-2 Rev P2 Winster Housetype Design Sheet 2 Elevations & Floor Plans

(A3) DrNo 517-3 Rev P2 Winster Housetype Design Sheet 3 Elevations & Floor Plans

(A3) DrNo 525-1 Rev P1 1 Bed Apartment Design Sheet Elevations & Floor Plans

(A3) DrNo 530-1 Rev P1 Standard Garage Design Sheet Elevations & Floor Plans

(A1) DrNo sk1200 Rev P6 External Levels Plan Overall
(A0) DrNo sk1201 Rev P5 External Levels Plan Sheet 1
(A0) DrNo sk1202 Rev P5 External Levels Plan Sheet 2
(A1) DrNo sk1300 Drainage Strategy Plan Overall
(A0) DrNo sk3000 Rev P2 Longitudinal Sections Sheet 1
(A1) DrNo sk3001 Rev P2 Longitudinal Sections Sheet 2
(A0) DrNo sk3200 Site Sections Sheet 1

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.

Reason for precommencement: Failure to take appropriate action prior to the commencement of development could lead to irreversible damage to hedgerows.

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.

Reason for pre-commencement: Failure to take appropriate action prior to the commencement of development could harm wildlife interests on the site.

5. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents'
- Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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.

Reason for pre-commencement: The detailed drainage design may influence the construction of the development in its preliminary stages.

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.

Reason for pre-commencement: The detailed drainage design may influence the construction of the development in its preliminary stages.

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.

Reason for pre-commencement: The mitigation must be in place prior to the first vehicles accessing the site. #

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 70th 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 northern and 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. The detailed landscaping scheme hereby approved shall be implemented as follows:

(ii) Any landscaping/planting approved pursuant to condition 12 shall be implemented in accordance with the timing in condition 12. The eastern and southern boundary hedges (including the proposed hedge banks) shall be implemented within the first planting season following the commencement of

the development. 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.

14. The public open space hereby permitted shall be laid out in accordance with the details hereby permitted and those agreed pursuant to condition 13 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

Proposal

This application seeks full planning permission for a development of 75 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 in a broad loop, although there would be no connecting road at the eastern part of the site, with dwellings here being served from private drives. 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

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 and from neighbouring properties on Stonegallows. It can also be identified in views from the west where there are two public footpaths. 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.

Relevant Planning History

Planning permission was refused last year (application 05/15/0011) for the development of the site for 80 dwellings. Whilst the principle of developing the site was accepted, the design was considered to be inappropriate. The application was refused for a single reason:

The proposed development is considered to be poorly designed. The design and layout pays little regard to the context and topography of the site and creates unacceptable relationships between existing and proposed development.

These significant and demonstrable harms outweigh the benefits of granting planning permission when considered against the NPPF when taken as a whole and is therefore not considered to be sustainable development.

With regard to planning policy, the site is currently within the identified Special Landscape Feature (SLF). 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 Responses

BISHOPS HULL PARISH COUNCIL – None of the Parish Council's previous concerns have been addressed. The PC, therefore, OBJECTS for the following reasons:

1. Impact on the landscape
2. Increased traffic movements
3. Insufficient school places
4. Increased risk of flooding
5. Concern re building on the higher ground
6. The increase from 70 to 75 new dwellings
7. Poor access to the site
8. Undecided issue re foul sewer connection
9. The absence of a construction management plan
10. The proposed Woodland area
11. The Erection of Advertising Board

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.

No decision should be made on this application until after the SAMDP hearing relating to this site.

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 75 new dwellings

The application is not in line with the SADMP proposal of 70 new homes on a somewhat larger site. The increase to 75 houses on a smaller site is therefore

unacceptable. This equates to 27 dwelling per hectare against SADMP proposal of 20.

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.

The Proposed Woodland area

The proposed woodland area at the eastern part of the site is likely to be a gathering place for youths and a possible concern re anti-social behaviour which will effect neighbouring properties.

Erection of advertising board

The Parish Council feels appalled with the applicants disregard for the law, not only to leave an advertising sign at the entrance to Quartly drive after planning permission had lapsed, but when asked to remove it by the enforcement officer, they erected a new unauthorised advertising sign announcing that new dwellings were 'coming soon'. This gave local residents the impression planning permission had already been granted, therefore they may not have submitted objections to the planning department.

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

The Transport Assessment, produced by Baddingham, Transport and Infrastructure Consultants and Travel Plan produced by Peter Brett Associates have reviewed and

comments are made within this response.

The Highway Authority is aware of the previous planning history of this site, and has previously made observations to various proposals. I would refer you to Highway Authorities letter dated 21 May 15, in connection with Planning Application No. 05/15/0011 (a copy of which is attached for your information). I consider that these comments apply equally to the present application. It is noted that the Highway Authority did not previously raise objection to the proposed development for 80 dwellings.

Development Proposal

The proposal consists of:

- 75 residential dwellings development mix of;
 - Four, one bed dwellings,
 - Five, two bed dwellings,
 - Thirty eight, three bed dwellings; and
 - Twenty eight, four bed dwellings

- 25% of the above total is to be provided as affordable housing.
- Public open space,
- Associated infrastructure, including drainage works and an attenuation pond.

Access and Traffic Generation

The proposed residential development site is to be accessed via Gwyther Mead to the north, which is currently an un-adopted highway. The proposal also consists of a shared foot/cycle way from the site onto Bishops Hull Road. This will need to form part of a suitable to ensure delivery.

It is considered that design standards from Manual for Streets apply in this location given that the application site is located within an existing 30mph speed limit and as such the site entrance will be required to provide visibility splays based on 2.4m (as measured from the back edge of the existing carriageway) and extending 43m in both directions. There shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council. Whilst the access to the second phase of development will be gained via a continuation of the exiting Estate Road the above mentioned visibility should be considered, i.e, no development should obstruct visibility gaining access into Phase 2 via Gwyther Mead.

Agreed person trip rates for the proposed development have been taken from the previous application 05/15/0011. The proposed development would be expected to generate in the region of 95 Peak hour trips and 700 daily person trips. The distribution is based on existing turning movements extracted from traffic surveys undertaken in November 2015, this methodology is considered robust and reasonable to the Highway Authority.

As in line with the previous phase of development at Kinglake the key junctions that will be impacted by this proposal have been assessed:

- Quartly Drive / Bishops Hull Road priority junction;
- Bishops Hull Road / Waterfield Drive priority junction;
- Waterfield Drive / Silk Mills Road priority junction;
- A38/ Bishops Hull Road / Comeytrove Lane priority junction; and
- Silk Mills Road Wellington Road / Cornish Way Roundabout

The opening and future years of 2016 and 2021 have been assessed both with and without development. Modelling outputs indicate that the development will not materially effect the safe and efficient operation of the surrounding highway network.

It should be noted that some of technical assessment within the Transport Assessment cannot be back solved. Whilst the current Transport Assessment raises some queries, as a previous assessment has been undertaken quantifying the impact of 80 dwellings, which resulted in 'no objection' regarding capacity or highway safety, the Highway Authority do not have a basis to refuse the current application, as the development impact of 75 dwellings will be less than that of the previous proposal, to which no objection was raised.

Traffic data that has been collected in 2015 provides a robust and up to date position.

Parking Provision

Parking is proposed to be provided in line with the Somerset County Council Parking Strategy, Zone A which is considered appropriate. The level of parking is not detailed however; in line with the parking strategy 175 parking spaces would be expected.

Estate Roads

The level of development proposed has triggered a response from the estates roads team who have made the following comments as a result of looking at submitted drawing number 2015/BHL/120/P1:

1. The proposed residential development site is to be accessed via Gwyther Mead to the north, which is currently a privately maintained street owned by Persimmon Homes.
2. The proposed 5.5m wide estate road that runs north/south through the development site, fronting plots 23-39 does not appear to have sufficient horizontal alignment deflection to restrict vehicle speeds to 20 mph. Can the applicant please look at amending this detail.
3. Can the applicant please confirm the future maintenance arrangements associated with the proposed Attenuation Storage Plant.

4. Any grass margins to be offered to SCC for adoption should be a minimum of 1.0m wide. Any margins of less than 1.0m in width should be constructed from a bound material.

5. All proposed shared surface carriageways should be constructed from block paviors with a minimum width of 5.0m. Service margins should be a minimum of 500mm wide but please refer to point 4 above for construction requirements. Block paved carriageways should be designed with a longitudinal gradient no slacker than 1:80.

6. The swept path of a 11.4m 4 axle refuse vehicle should be tested throughout the development site, particularly within all proposed turning heads.

7. Section 4.3.19 of the previously submitted 'Planning Statement' states that 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 direct contact is made with the Somerset County Council Highway Lighting Team at the earliest opportunity to discuss a suitable lighting design.

8. The proposed link from the north-east corner of the development site out onto Bishops Hull Road has been indicated as being constructed from 'Grasscrete.' Due to the fact that this link may well be used by a combination of pedestrians and cyclists it is our view that the use of 'Grasscrete' would not be considered appropriate and that a more suitable material should be found to cater for pedestrian/cyclist use. To cater for the mixed use, the link should be constructed to a minimum width of 3.0m with adoptable visibility splays of 2.5m x 20m provided at the interface of the link with the back of the footway within Bishops Hull Road. 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 SCC Highway Lighting Team. The link itself can remain within private ownership if required, but the visibility splays will need to be adopted by SCC.

9. Private drives serving garage doors, shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Parking bays should be constructed to a minimum length of 5.0m unless they immediately but-up against any form of structure (wall, footpath, planted area) when a length of 5.5m will be required, as measured from the back edge of the prospective public highway. Can the applicant please check to ensure that these requirements have been met throughout the development site.

10. An adoptable 1.0m 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 estate road that runs north/south through the site.

11. The private drives serving plots 14-16, 43-48 together with the private parking courtyard at the south-western end of the site, should be constructed to an adoptable standard in terms of materials used and depths laid/compaction etc to satisfy the Advance Payments Code legislation. Surface water from these areas will not be permitted to discharge onto the prospective publicly maintained highway.

12. The entrance to the private drive serving plots 43-48 should be a minimum of 4.1m in width to allow for two-way vehicle passing.

13. Adoptable 17.0m forward visibility splays will be required across the inside corners of the carriageway outside plots 1 and 2 and opposite plots 36-39. There shall be no obstruction to visibility within the splays that exceeds a height greater than 600mm above the adjoining carriageway level and the full extents of the splays will be adopted by SCC. The required splays should clearly be indicated within all future engineering site layout drawings.

14. 2.0m wide footways should be extended up to the commencement of the private footpaths serving plots 5 and 39 within the shared surface road.

15. A 2.0m wide adoptable margin will be required across the end of the carriageway between plots 63 and 64.

16. Where private access paths crossover the prospective public highway margins, they should be constructed as per typical footway spec. Paving slabs will not be permitted.

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

18. Surface water from all private areas, including drives and parking bays, will not be permitted to discharge onto the prospective public highway. Private interceptor drainage systems should be provided to prevent this from happening.

19. SCC is now the Lead Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. SCC's 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 a consent when culverting 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 SCC.

For further information please visit www.somerset.gov.uk/environment-andplanning/flooding/work-on-an-ordinary-watercourse. Or contact Didier Lebrun (JLebrun@somerset.gov.uk).

20. 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 SCC.

21. Section 50 NRASWA 1991 (Sewer connections) – Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from SCC Streetworks Co-ordinator (01823 359530).

22. The applicant will need a Section 171 licence to be issued prior to any works either within or immediately adjacent to the public highway, taking place. It is the responsibility of the developer to apply for such licences in advance as requests to start without the licences will be refused. It will take approximately one month for the licences to be issued. Please contact Maureen Atwell (01823 359530) or email Matwell@somerset.gov.uk.

23. Tie into existing carriageway – Allowances 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 the depths of the existing bituminous macadam layers.

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

25. The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. They shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

26. The developer will be responsible for any damage caused to public highways by construction traffic proceeding to/from site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the Highway Supervisor (Greg Carreau) showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

27. Existing carriageway gullies and drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing carriageway drain or public sewer, the developer shall be responsible for its removal.

28. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

Drainage / Flood Risk Assessment

No objections are raised 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 advise of the following:

- 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 terms.
- Permeable paved areas should be designed generally with falls away from

the public highway such that any failure in future performance doesn't result in surface water discharge onto the highway. This design approach will also encourage the owners to ensure such areas are adequately maintained.

- The Designer will need to consider in detail the interface between permeable paved areas and standard highway construction to ensure that the ingress of surface water doesn't have a detrimental effect on the stability of the road formation. Somerset County Council standard requirement is the provision of a suitable buffer of traditional construction between permeable paving and prospective public highways.

Travel Plan

The Travel Plan produced by PBA has been reviewed by the Highway Authority. Comments have been issued directly to the consultant; there are several points that were raised within the previous Transport Assessment that have not been addressed in the supporting TP as part of the Planning Application. As a consequence a revised Travel Plan would need to be submitted and secured via a S106 agreement.

Summary

In summary the Highway Authority has no objection to the above application subject to the following conditions:-

- Travel plan secured via S106 agreement.
- Proposed development to be served by the existing estate road.
- Submission of Construction Environmental Management Plan.
- Vehicle cleaning facilities to be installed.
- Submission of detailed estate road drawings.
- Construction of roads and footways to base course prior to occupation of the dwelling to which it relates.
- Drives not to be steeper than 1 in 10.
- A network of cycleway and footpath connections to be constructed.
- A right of discharge for surface water to be obtained prior to commencement.

- A 6m length of hardstanding to be provided in front of garage doors.
- Parking spaces in accordance with SCC standards to be provided.

SCC - CHIEF EDUCATION OFFICER – No comments received.

WESSEX WATER - Separate systems of drainage will be required to serve these proposals. Submitted proposals allow for connections to local sewers under adoption agreement with Wessex Water.

There are no rights of connection to these sewers until vesting has taken place with Wessex Water. Connections are subject to agreement with the downstream developer and Wessex Water acting as the sewerage undertaker. There is limited

design capacity available within downstream systems for upstream connections and flows.

Foul Water

Foul flows can be accommodated subject to downstream upsizing, providing satisfactory sewer capacity between MH ST20241612 and MH ST20241502. Replacing approximately 37 metres 150mm dia with 225mm dia will maintain service levels avoiding increased risk of sewer flooding and blockages.

Surface Water

The submitted flood risk and drainage statement indicates that flows will be restricted at 5 l/s from the site with a flow control and attenuation storage for 100 year event with 30% climate change. Subject to these measures being accepted and approved by the Lead Local Flood Authority for the rate of discharge and the attenuation storage we can accept these proposals.

Wessex Water are seeking confirmation that these above points can be accommodated through submitted drawings included for approval or planning conditions for flood risk measures.

Sewers will be adopted by agreement with Wessex Water subject to satisfactory engineering drawings.

HOUSING ENABLING – Previously raised concerns that the proposed housing did not meet the identified housing need. Subsequent to the receipt of amended plans, comments as follows:

Further to the Housing Enabling comments made on 5 February 2016, I note the scheme has been revised as per drawings 120 P3 and 130 P1.

The revised mix is now considered to meet the current housing need:

- 4 x 1b2p, 4 x 2b4p, 3 x 3b5p – Social Rent
- 6 x 2b4p, 2 x 3b5p – Shared Ownership

Whilst the layout of affordable properties is not ideal, the reasons behind this are noted and Housing Enabling raise no objection to the revised scheme.

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning 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.

POLICE ARCHITECTURAL LIAISON OFFICER – Nothing to add to previous comments (below):

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 - The application is a resubmission application for residential development of seventy five 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)

A critical review of the Ecological Survey Report was carried out by Colmer Ecology Ltd in December 2015 to support the re submission of the application. The review, although it contained minor criticism, generally considered the Ecological report to be sound.

Original Findings were 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. Additional log piles could be added to the SUD feature as further habitat creation on site.

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 considered to be generally low. I support the recommendation to erect bat boxes/tubes on site.

Lighting on the development should be sensitively designed.

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 (20 swift boxes and 20 house sparrow boxes)

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.

Hedgehogs

Access points should be cut into boundary garden fences to increase connectivity throughout the site for hedgehogs and other wildlife

Recommend conditions regarding hedgerow protection and protection of wildlife.

LANDSCAPE - The layout of the development is slightly less rigid than the previous application, there are less houses and there is more public open space. This I consider to be an improvement on the previous scheme.

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.

Detailed observations to the planting plans are as follows

- The species proposed are generally satisfactory.
- This development provides an ideal opportunity to provide a wooded ridge which will form a strong feature within the local landscape.
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..
- As well as more planting to the east of the site, I would like to see more native 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 to the west of the site.
- 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.
- A tree at the end of the private car parking courtyard would help to soften this area
- Generally proposed shrub species are satisfactory. However I would prefer all hedging to be native mixed hedging rather than some beech hedges.

LEISURE DEVELOPMENT – In accordance with Local Plan Policy C4, provision for children’s play should be made for the residents of these dwellings.

71 of the 75 proposed dwellings are family sized 2 bed+ dwellings. Both equipped and non-equipped on-site children’s play should be provided, either within this development or as an extension to the existing play facilities within the neighbouring site. Both LEAP and NEAP play equipment will be required. Additions to the existing NEAP will require that the neighbouring balancing pond is fenced.

As per the previous application, 5 additional pieces of place equipment should be provided on the existing Kinglake development – 3 in the NEAP and 2 in the LEAP.

SCC - FLOOD RISK MANAGER - The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The site as existing is a greenfield site, and is an extension of the existing Kinglake Development. The applicant has indicated within the submitted Flood Risk and Drainage Statement an intention to utilise a new public surface water sewer and discharge via an existing land drain located to the north-west of the site extent, this system will include an offline attenuation basin with a controlled outfall, via a hydrobrake, to bring runoff rates back to 5 l/s for all storm events up to and including the 1 in 100yr plus 30% increase for climate change event. The applicant has also indicated within the submitted Flood Risk and Drainage Statement their intention to hand over the system to Wessex Water for adoption. However, the applicant has not submitted any detailed design calculations or layouts to support this proposal, nor has there been a written confirmation from Wessex Water that they will be willing to adopt the proposed system.

Due to the location of the site and the proposed increase in impermeable areas it will be necessary for the application to provide a more detailed drainage design and layout with supporting calculations and written confirmation from Wessex Water.

No objections, subject to a condition requiring the submission of detailed drainage designs prior to the commencement of development.

SCC - HISTORIC ENVIRONMENT SERVICE – As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeology grounds.

NATURAL ENGLAND – No comments to make.

Representations Received

Somerset Wildlife Trust:

“We are pleased that Colmer Ecology recognise the validity of the comments which we made on the previous application (05/15/0011) and have incorporated some of them into their additional proposals for mitigation and enhancement. We would therefore fully support their proposals in Section 3.6 of their report. In addition we would refer to our previous proposal for a permanent ecological buffer strip along the hedgerow boundaries. Colmer Ecology have mentioned the possible creation of such a buffer strip (measuring 1.5m) in Section 3.4 of their report but have not incorporated it into their recommendations. We would like to see that be part of the Mitigation and Enhancements. Reference has been made at 3.6.5 to the location of any street lighting. We would like to see a requirement that, in addition, all external lighting should be designed so as to minimise light pollution. We would also agree with the comments of Colmer Ecology that it might be sensible to undertake an updating of some of the surveys which were carried out some while ago to make sure that their findings and recommendations are still up-to-date. We would request that these proposals should form part of the planning conditions if it should be decided to grant planning permission”.

25 letters of **objection** and one letter of **concern** (raising no objection to the principle of development) have been received raising the following points:

- Permission was granted for 220 dwellings on the adjoining site, less were built, development of this site should be limited to the shortfall.
- Residents of Kinglake were informed by Charles Church that there were no plans for more houses. This should be taken into account.
- There is little improvement on the previously rejected plan and does not overcome the stated reason for refusal. Previous reasons for objection, therefore, still stand.
- The previous Kinglake development has a significant adverse visual impact, this proposal will be worse.
- The access roads are not wide enough for the additional traffic.
- Construction traffic will have to be managed – perhaps a one-way system using the field access from Bishops Hull Road. A robust construction traffic plan is required, with effective enforcement.
- The site is still designated as a Special Landscape Feature in the statutory development plan and should remain so. Policy states that development that will harm the appearance and character of such an area will not be permitted.

- It is understood that the site was to be removed as a proposed allocation when the Special Landscape Feature designations were re-introduced.
- No decision should be made on this application until after the Inspectors report on the SADMP has been published.
- The mixed colours on the proposed roofs are inappropriate given the visibility of the site.
- The site is outside the settlement limit for Taunton.
- The application proposes a higher density than the proposed allocation for the site, impacting upon problems of overlooking and traffic congestion.
- The site is higher than the existing and this raises privacy issues for Gwyther Mead.
- Ground levels must be lowered and certainly not raised. Plot 12, one of the highest, is shown as being built up out of the ground. Plots 73-75 are

proposed on the highest part of the land, very close to the boundary with existing residential properties.

- The topography of the site makes it unsuitable for development.
- The development will bring additional traffic to the village.
- No road improvements are proposed. A full assessment must now be carried out in the wake of the granting of permission for 2000 homes at Comeytrove/Trull.
- The corner of Shutewater Hill and Bishops Hull Road, adjacent to local facilities is dangerous.
- Additional heavy vehicles will cause damage to the pavements and endanger pedestrians.
- There are significant concerns regarding Sewerage – properties in the area have previously suffered problems.
- Bishops Hull and Castle Schools are oversubscribed.
- Inadequate parking on Kinglake means that more cars are parked on the surrounding roads.
- The Transport Assessment is flawed, it suggests that there are no capacity issues at the Silk Mills Roundabout, it makes great play of the bus service, but this will only continue for the duration of Persimmon's funding from phase 1.
- There will be a significant impact on wildlife.
- Flood risk will be increased; there has been a significant increase in flooding on Shutewater Hill in recent years.
- The provision of an attenuation pond is a clear indication that the site will flood.
- Brownfield sites should be developed first.
- The design of the emergency access is still unresolved. If it is to be more than a pedestrian/cycle link then a redesign would be required and this should be a reason for refusal.
- The erection of a 'coming soon' sign at the entrance indicates the developers lack of regard for the planning system and local consultation.
- Properties on Stonegallows will be overlooked. Ground levels must not be increased, and ideally should be lowered.
- Close boarded fences should be erected between the development and existing residential properties.
- Persimmon agreed to put additional planting between the development and Gwyther Mead.
- Light coloured walls and slate roofs should be provided adjoining Stonegallows.
- Three storey properties should not be provided.
- The proposed density is still higher than that suggested in the emerging SADMP.
- The provision of woodland planting at the top of the site could encourage anti-social behaviour adjacent to existing residential properties and reduce the ability for natural surveillance.
- An increase in the size of attenuation ponds on Kinglake phase 1 is no longer shown.
- Kinglake phase 1 play areas were approved for the use of that development only and not as amenities for other development.
- Gwyther Mead and Quartley Drive are yet to be adopted, so normal matters such as road cleaning do not get carried out.
- This is not a stand alone sustainable development as it relies on facilities and

- access via Kinglake phase 1.
- Final proposals for the disposal of sewage are unknown.
 - The amended plans do not address the unacceptable relationship between plots 74/75 and 6 Stonegallows.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,

Emerging Site Allocations and Development Management Plan

TAU5 – Bishops Hull/Stonegallows

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, the CIL receipt for this development is approximately £383,400.00. With index linking this increases to £452,500.00.

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	£86,250
Somerset County Council	£21,563

6 Year Payment

Taunton Deane Borough
Somerset County Council

£517,501
£129,375

Determining issues and considerations

At the present time, with the Site Allocations and Development Management Plan (SADMP) yet to be adopted, the site remains outside the settlement limit for Taunton. The development of this site is, therefore, contrary to policy CP8 of the Core Strategy. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, permission should be refused unless material considerations indicate otherwise.

In considering the previous application last year, material considerations, particularly when considering the presumption in favour of sustainable development outlined at paragraph 14 of the NPPF, were found to weigh in favour of granting permission in terms of the principle of the development and fundamental conflict with Policy CP8 of the Core Strategy. Since the consideration of the previous application, the emerging SADMP, which proposes allocation of the application site under Policy TAU5, is at an even more advanced stage, having been through its examination. Objections have been raised to the policy, but no new issues were heard at the examination. At the present time, the Inspector's final report is still outstanding, however, the Committee previously found the application acceptable in principle, having considered similar representations to those made in respect of the SADMP policy. Thus, the previous application on this site was refused solely for design reasons.

The development was also found to be acceptable in terms of its wider impacts in relation to highways, infrastructure, flood risk, wildlife etc. There have been no significant changes in circumstance since this previous decision was made and, therefore, it would be inappropriate to take a contrary view on these points and introduce new reasons for refusal at this stage.

In terms of the wider highway impacts, it is noted that there is now a resolution to grant permission for the development of the Comeytrowe/Trull urban extension, but it is still considered to be inappropriate to revisit the highway considerations on this site. This is because the Cometyrowe/Trull site was already indicated as a broad area of growth in the Core Strategy and proposed as an allocation in the SADMP at that time of the previous application. The previous highway assessment was made in this context. In their response to this application, the Highway Authority have noted that they previously raised no objection to the scheme for 80 dwellings and, although there are acknowledged shortcomings in the new Transport Assessment, there have been no material changes in circumstance that would warrant them arriving at a different recommendation.

It is, therefore, considered that the main considerations in the determination of this application relate to the design of the proposed development, its impact upon neighbouring properties and the extent to which the new proposals overcome the previous reasons for refusal, or at least alter the balance of considerations such that any identifiable harms are outweighed by the benefits of granting permission, in

accordance with Policy SD1 of the Taunton Deane Core Strategy and paragraph 14 of the NPPF.

Impact on neighbouring property

The previous scheme was considered to have some unacceptable impacts upon the amenities of neighbouring properties, particularly those on Gwyther Mead to the north. In particular, there would have been significant overlooking of No. 5 Gwyther Mead and this has now been addressed through the deletion of the offending plots. With the exception of two plots at the site entrance, all plots along the northern boundary now sit square to the boundary at distances exceeding 15m. There is a change in levels here, with the proposed dwellings being higher than the existing, however the direct window to window distances are around 25m at their shortest and this is considered to be acceptable to maintain a reasonable amount of privacy. The dwellings are between 2m and 4m further from the boundary and between 0.5 and 0.7m lower than in the previously refused scheme. It is fair to say, that plot 9 would still be around 3m above 5 Gwyther Mead, but this property is off-set from the existing dwelling (plot 8 sits directly behind), and it is not considered that the positioning of plot 9 would cause unacceptable overlooking.

Turning to the southern boundary with Stonegallows, the previously refused scheme proposed 14 dwellings backing onto the 6 dwellings at Stonegallows. The density of development has been reduced here so there are only 8 dwellings in this stretch and the types of dwellings have been amended to larger, detached properties, more reflective of those on Stonegallows to which they adjoin. Distances have been increased here, too, in places.

It is now proposed to supplement the existing boundary treatment to the rear of the Stonegallows (south) and Bishops Hull Road (east) dwellings with new native planting. The new hedgerows would be planted on new 400mm banks, 1m off the existing boundary to provide a good buffer to these dwellings. This is considered to be particularly important along the Bishops Hull Road boundary, where the rear gardens of the existing properties will back onto public open space.

It is now considered that all of the relationships between the existing and proposed dwellings are acceptable and will not cause any unreasonable impact upon the amenities of these dwellings.

General design issues

It was considered that the previous scheme had not been designed with any respect for the existing site context, particularly the topography of the site. Whilst the proposed layout is based upon a similar structure, it is considerably less rigid in its approach. Gentle curves in the road alignment respect the shape of the existing landscape and a greater effort has been paid to keeping the dwellings away from the highest land, both the central 'knoll' and the southeastern corner of the site. Whilst altering the shape of the site, a greater amount of excavation on the higher ground will reduce the overall impact of the development when viewed from outside the site.

When originally submitted, the application proposed some three-storey dwellings in the middle of the site, but these were considered to be inappropriate to this urban-rural edge site and have now been removed. There are some 2.5 storey dwellings proposed to the south of the site, but these are set against the steeply rising ground up to Stonegallows beyond the site, and benefit from a stronger more wooded backdrop. They are, therefore, considered to be acceptable. In terms of materials, grey roofs are now proposed for the entire development and this will be more recessive when viewed from outside the site.

Some concern continues to be raised by neighbouring residents over the number of dwellings being proposed. The proposed TAU5 allocation suggests that a lesser number should be accommodated on the site, based upon the density of the adjoining Kinglake development. However, it is considered that the large area of open space at the top of the site serves to 'bed' the development into the landscape sufficiently. The development being of a higher density to surrounding development is not in itself harmful – Stonegallows and Bishops Hull Road in particular have their own spacious character, which is mainly apparent from their relationship to the streets that they front and this relationship will not be affected by the proposed development to the rear. The proposed development will sit acceptably in the surrounding landscape, as a continuation of Kinglake and, in this regard, the proposed density is considered to be appropriate.

The amount of tree planting proposed on the high ground has also been increased and this more landscaped backdrop to the development will help to reduce its visual impact when viewed from the footpaths to the west. Some concerns have been raised by neighbours that this would reduce the natural surveillance of the public open space, but the benefits to the landscape and visual amenity are considered to outweigh this concern and also help to create an informal and valuable area of public open space. The overall quantum of open space is slightly greater than the previous scheme. Whilst the pond is not normally allowed to contribute to the public open space as it is not entirely usable space, it is considered that the open space on this site is likely to be used relatively informally, given the close proximity of countryside recreation paths and equipped open space on the adjoining development. In considering the previous application, this point was accepted; the overall space here is slightly larger and the number of dwellings less, so it is considered to be appropriate.

Drainage

The proposed surface water attenuation facilities have been altered from the previous scheme, in that the discharge from the proposed development will be attenuated entirely within the application site (it was previously proposed to enlarge one of the attenuation ponds on Kinglake to complement the proposed on-site works). The Lead Local Flood Authority remains satisfied that the proposals are acceptable in this regard and will not lead to any increase in off-site flood risk.

Matters previously accepted

As noted above, there have been no material changes in circumstance since the previous refusal of planning permission. At that time, the Committee agreed with the

officer's recommendation that the proposal was acceptable in terms of its impact on highways, infrastructure and wildlife. For reference, those sections from the previous report are now reproduced below.

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/Comeytrove 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.

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 determining the previous application in 2015, in accordance with guidance in the NPPF, it was considered that there are substantial benefits from granting planning permission in respect of increasing the supply of housing in a sustainable location. However, it was considered that the proposal was poorly designed and failed to respect the site, its surroundings and existing adjoining properties. The proposed development has now been re-designed and it is considered that the proposals now better reflect the existing site. The development would certainly have a significantly better relationship with existing neighbouring property.

As before, 25% of the dwellings would be affordable in accordance with adopted policy CP4 of the Taunton Deane Core Strategy. It is considered 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.

It is, therefore, considered that the proposal is acceptable and it is 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.

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