

DAVID WILSON HOMES SOUTH WEST

DEVELOPMENT OF 138 HOUSES AND APARTMENTS WITH ASSOCIATED ACCESS ROADS, GARAGES AND PARKING, TOGETHER WITH PUBLIC OPEN SPACE LANDSCAPING AND A SECTION OF THE NEW WESTERN RELIEF ROAD, ATTENUATION PONDS, STORM/FOUL SEWERS AND CYCLE/FOOTPATHS AT LAND NORTH OF AGINGHILLS FARM, MONKTON HEATHFIELD

Grid Reference: 325215.126572

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to no new points of objection being raised by occupants of 11 and 13 Sylvan Way and Llanstefan Milton Hill by 12th October 2011; acceptable internal highway layout details and the applicant entering into a Section 106 agreement to secure the following:

1. Transportation- A package of highway improvements including :-

- i) The provision of a roundabout at the site access on to Milton Hill incorporating the diversion of Milton Hill and an associated Pedestrian/cycle crossing of Milton Hill north of the roundabout.
- ii) The construction of that part of the WRR necessary to gain access into the development together with the dedication of the land for highway purposes that part of the WRR corridor within the application site not constructed for access purposes.
- iii) Traffic management works to Dyers Lane in the form of signs, road markings etc to improve provision for cyclist and pedestrians, particularly school children
- iv) A Travel plan (as outlined in the CHA comments below).
- v) A financial contribution of £200k towards the construction of mitigation works at the Milton Hill Junction with the A38 which if not spent shall be put towards the cost of the WRR.

2 Affordable housing - 46 units comprising:-

27 x 2 bed houses

13 x 3 bed houses;

6 x 4 bed houses.

Ownership to be 50% social rent and 50% shared ownership

3 Education

- i) A contribution of £343,196 (pro-rata to a per-dwelling figure) towards primary education
- ii) A contribution of £369,380 (pro-rata to a per-dwelling figure) towards secondary education.
- iii) A contribution of £50,744 (pro-rata to a per-dwelling figure) towards

pre-school education.

In the event that the Section 106 agreement is not signed within 3 months, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

Recommended Decision: Conditional permission be granted

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:

(A0) DrNo 0900/100 Location Plan
(A0) DrNo 1021 Site survey sheet 1 of 2
(A0) DrNo 1021 Site survey sheet 2 of 2
(A3) Masterplan
(A1) DrNo 09001/001 Rev I Proposed Site Layout Plan
(A3) DrNo 0095/2010 Layout plan
(A1) DrNo 09001/102 Rev B Enclosures plan (1 of 3)
(A1) DrNo 09001/103 Rev B Enclosures plan (2 of 3)
(A1) DrNo 09001/104 Rev B Enclosures plan (3 of 3)
(A2) DrNo 09001/105 Enclosure details
(A0) DrNo 09001/106 Rev B Materials Plan
(A1) DrNo 09001/107 Rev C Storey Heights
(A0) DrNo Bir.3536_07 Soft Landscape Proposals Sheet 1 of 4
(A0) DrNo Bir.356_08A Soft Landscape Proposals Sheet 2 of 4
(A0) DrNo Bir.3536_09A Soft Landscape Proposals Sheet 3 of 4
(A0) DrNo Bir.3536_11A Soft Landscape Proposals Sheet 4 of 4
(A1) DrNo Bir.3536_10 A Play Area Proposals
(A0) DrNo 1027-999 Rev C Infrastructure Appraisal
(A1) DrNo SP2102_2 Rev A Lighting Design Site Roads
(A3) DrNo FMW0433-SK10 Milton Hill Signals
(A0) DrNo 09001/108 Rev B Proposed highway adoption plan
(A0) DrNo 09001/109 Rev B Proposed public open space adoption plan
(A0) DrNo 09001/110 Rev B Affordable Housing
(A1) DrNo 09001/200 Rev B Street Scenes
(A3) DrNo 09001/201 SH17 (BRICK) Plans and elevations
(A3) DrNo 09001/202 SH37 (BRICK) Plans and elevations
(A3) DrNo 09001/203 SH37 (RENDER) Plans and elevations
(A3) DrNo 09001/204 SB8 Elevations 1
(A3) DrNo 09001/205 SB8 Elevations 2
(A3) DrNo 09001/206 Rev A SB8 Floor plans

(A3) DrNo 09001/207 T322-5 Rev A (BRICK) Plans and elevations
 (A3) DrNo 09001/208 P331-R5 (BRICK) Plans and elevations
 (A3) DrNo 09001/209 P331-R5 Rev A (STONE) Plans and elevations
 (A3) DrNo 09001/210 P341-WD5 Rev A (BRICK) Elevations
 (A3) DrNo 09001/211 P341-WD5(Render) Elevations
 (A3) DrNo 09001/212 P341-WD5 Floor plans
 (A3) DrNo 09001/213 P341-E-5 (BRICK) Elevations
 (A3) DrNo 09001/214 P341-E-5 (RENDER) Plans and elevations
 (A3) DrNo 09001/215 P382-5 (BRICK) Plans and elevations
 (A3) DrNo 09001/216 P382-5 (RENDER) Plans and elevations
 (A3) 09001/217 H404-5 Elevations
 (A3) DrNo 09001/218 H404-5 Floor plans
 (A3) DrNo 09001/219 H406-5 Elevations
 (A3) DrNo 09001/220 H406-5 Floor plans
 (A3) DrNo 09001/221 H408-5 Elevations
 (A3) DrNo 09001/222 H408-5 Floor plans
 (A3) DrNo 09001/223 H433-5 (BRICK) Elevations
 (A3) DrNo 09001/224 H433-5 (STONE) Elevations
 (A3) DrNo 09001/225 H433-5 (RENDER) Elevations
 (A3) DrNo 09001/226 H433-5 Floor plans
 (DrNo) 09001/227 H469-5 (BRICK) Elevations
 (A3) DrNo 09001/228 H469-5 (RENDER) Elevations
 (A3) DrNo 09001/229 H469-5 Floor plans
 (A3) DrNo 09001/230 H500-5 (BRICK) Elevations
 (A3) DrNo 09001/231 H500-5 (STONE) Elevations
 (A3) DrNo 09001/232 H500-5 Floor plans
 (A3) DrNo 09001/233 H526-5 Elevations 1
 (A3) DrNo 09001/234 H526-5 Elevations 2
 (A3) DrNo 09001/235 H526-5 Floor plans
 (A3) DrNo 09001/236 H577-5 (BRICK) Elevations
 (A3) DrNo 09001/237 H577-5 (RENDER) Elevations
 (A3) DrNo 09001/238 H577-5 Elevations
 (A3) DrNo 09001/239 Garage plans and elevations 1 of 4
 (A3) DrNo 09001/240 Garage plans and elevations 2 of 4
 (A3) DrNo 09001/241 Garage plans and elevations 3 of 4
 (A3) DrNo 09001/242 Garage plans and elevations 4 of 4
 Revised Flood Risk Assessment (May2010)
 Meadfleet maintenance plan (scanned Sept 2011)

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

3. Notwithstanding the submitted material details, no development shall take place until details and samples of the proposed materials to be used in the construction of the external surfaces of the development hereby permitted have been 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.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, surface water drainage (to prevent discharge from drives and parking directly onto the highway), car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and that the details do not detract from the visual amenity of the area in accordance with the requirements of Taunton Deane Local Plan policy S2.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

7. No part of the access drive shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the provisions for sustainable transport in association with new development in accordance with Policy STR1 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13 and Taunton deane Local Plan policies S1, TA8(J).

9. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the overall drainage masterplan, phasing considerations, intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details and thereafter maintained as such.

Reason: To prevent the increased risk of flooding in accordance with PPS25

10. Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

11. No development shall commence until a scheme for the provision and management of a buffer zone alongside the Allen's Brook watercourse within the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved scheme for the lifetime of the development.

Reason: To protect and enhance the biodiversity value of the watercourse in accordance with PPS9.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this contamination shall be dealt with and thereafter implementation of the approved measures.

Reason: To protect controlled waters in accordance with PPS23.

13. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed in accordance with the approved details before the development is occupied and shall thereafter be maintained

as such.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and other sources which would be contrary to Taunton Deane Local Plan Policy S1(E).

14. At the commencement of work on site and prior to the occupation of any dwellings hereby permitted the 20 metre buffer of woodland shown on the submitted drawings Bir.3536-07 and Bir.3536-08A shall be planted in full along the southern boundary of the site, south of the route of the new western relief road and shall thereafter be retained as such. The woodland buffer planting, retained hedgerows and the planting along Allen's Brook shall thereafter be maintained in accordance with the Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18th July 2011.

Reason: In order that the impact of the development is adequately mitigated to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in the interest of visual amenity and in accordance with Planning Policy Statement 1 and 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (D), (E); S2(A) and EN6.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development site for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecology Solutions submitted report, dated June 2010 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for breeding birds and bats.
- Details of a lighting strategy.
- A landscape and ecology 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 shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Reason: To protect and enhance the site for wildlife in accordance with the requirement of Planning Policy Statement 9 Biodiversity and Geological Conservation.

16. Prior to the commencement of works on site details of a lighting strategy for

the site shall be submitted to and approved by the Local Planning Authority. The lighting strategy shall incorporate the following measures:

- 1) no night time working during the construction phase of the development in order to prevent light spill of the area.
- 2) Street lighting to be at 5m in height and shall be directed/designed to avoid light spillage and light pollution.
- 3) Lighting adjacent to features used by bats as flight corridors and foraging habitat (generally the proposed woodland buffer, hedgerows and Allen's Brook) to be directed away from those areas and no lighting provided in such areas to exceed 0.1 lux and will be
- 4) Lights adjacent to or affecting the woodland buffer, hedgerows and Allen's Brook shall, be LED or if not suitable, highly directional and/or light on demand. It must not be white mercury vapour or high pressure sodium types of lighting.

The lighting strategy shall be fully implemented prior to the occupation of any residential units on site and thereafter maintained in accordance with the lighting strategy unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the lighting on the site is designed to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in accordance with Planning Policy Statement 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (E) and EN6.

17. The area of land within the application red line area and to the south of the buffer planting to the south of the alignment of the Western Relief Road as shown in the Taunton Deane Local Plan shall be managed as permanent pasture with attenuation ponds as shown on plan numbers Bir.3536-07 and Bir.3536-11A and shall be managed in accordance with the general guidelines contained with the submitted Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18th July 2011.

Reason: In order that the impact of the development is adequately mitigated to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in the interest of visual amenity in accordance with Planning Policy Statement 1 and 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (D), (E); S2(A) and EN6

18. Prior to the commencement of works on site a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site and will include measures to promote the

establishment of the buffer and off-site planting, such as thinning and replacement of the 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range.

Once approved the management of the site shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason: In order to ensure that the mitigation measures are properly maintained to ensure that the mitigation measures are maintained in a state that is fit for purpose and that there is no long term, detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in accordance with Planning Policy Statement 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (E);and EN6

19. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16 and the Draft National Planning Policy Framework .

20. (i) The landscaping/planting scheme shown on the submitted plans Bir.3536-07, Bir.3536-08A; Bir.3536-09A and Bir.3536-11A shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

21. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected adjacent to the boundary of Birds Crest. The agreed boundary treatment shall be completed before the development hereby permitted is commenced and

thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

22. The boundary treatment shown on drawing 09001/102 rev A shall be completed before the dwellings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

23. Prior to the commencement of works on site a timetable for the provision of Public open space as shown on plan 09001/109 rev A shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be provided in strict accordance with that timetable and shall thereafter be maintained at all times for the in accordance with the above plan and submitted Meadfleet Ltd General Specification for public open spaces and paved areas maintenance scanned on 1st September 2011.

Reason : In order to ensure the provision and maintenance of Public Open Space required in association with the development in accordance with the requirements of Taunton Deane Local Plan policy C4

24. The Childrens Play area and equipment shall be provided on site in accordance with the details supplied on plan number Bir.3536_10A and available for use prior to the occupation of the 68th dwelling on the site and shall thereafter be maintained as such in a safe and useable condition in accordance with the Meadfleet Ltd General Specification for public open spaces and paved areas maintenance as scanned on 1st September 2011.

Reason :- In order to ensure the provision and maintenance of children's play area required in association with the development in accordance with the requirements of Taunton Deane Local Plan policy C4.

25. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no windows or dormers shall be inserted into the northern elevation of the dwelling or garage on plot 30 without the further grant of planning permission.

Reason: To prevent overlooking of adjacent residential properties resulting in a loss of amenity contrary to Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

- . Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night

(2300h) to 0700h). In addition a 45 decibel LAmax applies in all bedrooms during the night (2300h to 0700h).

- . The condition relating to wildlife requires the submission of information relating to protected species. The Local Planning authority will expect to see a detailed method statement stating clearly how wildlife will be protected through the development process and be provided with a method statement that will maintain favourable status for the species that are affected by the proposal. the condition also requires the submission of a landscape and ecological management plan for the site.
It should be noted that the protection afforded to species under the UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the development site(regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- . All new surface water discharges made direct to a watercourse must terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with us as to whether any Flood Defence Consents are required for any detailed proposals. For information, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.
- . There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- . Any waste brought into or disposed of off site will be subject to an Environmental Permit or Exemption which must be obtained from the Environment Agency.
- . The buffer planting shall be in accordance with the requirements of the Habitats Regulations Assessment. In order to protect the "offset" planting area from light noise or other disturbance no new footpath, cycle or vehicular links should be provided though the buffer. Such links would require planning permission.

PROPOSAL

The site is allocated as part of the Monkton Heathfield allocation in the Taunton Deane Local Plan (Policy T8 and T10) for development and the proposal is for the residential development of land to the North east of Birds Farm Monkton Heathfield. This is a detailed application proposing the erection of 136 dwellings (incorporating affordable housing units). The dwellings are 2 or 2.5 storey in height and comprise 2 – 5 bedroom dwellings. The majority are detached with some terrace units. The initial flat element has been removed. The proposed materials would be a mix of buff and red brick with roofing materials of artificial slate and red/ terracotta tile. The main road network and private drives would be tarmac with block pavements used for lesser

order roadways and junction detail.

The site is characterised by a strong network of hedges and trees. These are being retained where possible. In addition, for bat mitigation and landscape purposes, a 20m landscaped buffer is to be provided along the southern boundary of the site and the existing Allen's Brook hedges and trees are to be retained at the west of the site. This will form a green edge to the development complementing the green wedge allocation on the land to the south and west. A large public open space and children's play area would be provided at the south of the site with dwellings arranged around and overlooking the area. A footpath link would be provided from the south of the site north to the A3259 enabling access to services in Monkton Heathfield. It would run along the route of an existing hedgerow providing for its retention and future maintenance within the scheme. Footpath links are also provided from the southwest and east of the site to the surrounding area.

The site would be served off Milton Hill with a new roundabout being formed at the junction with Dyers Lane and the first section of the Western Relief Road (approx a third of the required length in that area) being formed to provide access, northwards, into the site. The remainder of the land (in the control of the applicant) required for the provision of the WRR would be dedicated to highways for the future provision of the road. Dyers Lane would be realigned to the west and form a new junction on the future WRR. In addition, improvements are proposed to the north where a new mini roundabout would be formed, just to the south of the School Road junction to improve the functioning of the one way sections of road onto and off Greenway Road/Yallands Hill. The proposal would also provide a new traffic controlled junction at the south of Milton Hill, where it meets the A38.

Sustainable drainage techniques are proposed for dealing with the surface water drainage with a scheme that would mitigate the development to the greenfield run off rates.

SITE DESCRIPTION AND HISTORY

The site is located approx 3.5km to the northeast of Taunton and lies between the villages of Monkton Heathfield and Bathpool. The site comprises 3 agricultural fields used for grazing with a number of strong hedges generally running north-south. The fields slope gently from north to south. The site lies to the rear of two storey detached residential properties on its northwest and bungalows on land to the east. A commercial garage lies at the north of the site. The existing highway network runs to the north (Yallands Hill) and the east (Milton Hill) of the site. To the south of the site are additional agricultural fields.

There is no planning history on the fields. The site is allocated in the Taunton Deane Local Plan for residential development as part of the comprehensive development of the Monkton Heathfield/Bathpool area.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The land in question is allocated

for development in the Taunton Deane Local plan as part of the Monkton Heathfield Key Site which sets out the principles for development. The development is therefore acceptable in principle. The development sits on the line of and gains access from the proposed Western Relief Road (WRR) which links the A38 to the A3259. The WRR is required prior to the occupation of the 651st Dwelling on the Monkton Heathfield Site due to capacity issues on the network. Planning consent for a first Phase of 327 has been granted. It is therefore necessary that any additional traffic generated by the proposed development is adequately mitigated. The County Council is currently working with Taunton Deane and Developers in designing the WRR with a view to its completion in 3 years time.

A Transport Assessment (TA) has been submitted with this application and subsequent to comments made this has been revised by a further addendum. The TA clearly shows that the network is congested when committed developments are considered in particular School Road/Greenway and A38/ Milton Hill Junctions. The School Road issue is resolved with the introduction of a mini roundabout which is acceptable subject to Safety and Technical audits. The development is accessed by means of a new Roundabout situated close to the junction of Dyers Lane and Milton Hill. This results in the diversion of Dyers lane onto the section of the WRR being constructed to gain access to the development. A controlled crossing for pedestrians and cyclists is also provided on Milton Hill, close to the roundabout. These proposals are acceptable subject to Safety and Technical Audits. The A38/ Milton Hill junction is less simple. Leaving the junction unaltered is unacceptable. However, the TA proposes mitigation in the form of Traffic Signals which on the face of it creates sufficient capacity to mitigate the effect of development traffic. However, this proposal as designed, whilst catering for a proposed access into The Hatcheries development is not compatible with the Roundabout, Toucan Crossing and Traffic Calming proposed approved in conjunction with The Monkton Heathfield Phase 1 permission.

Further discussions have taken place with the developers and their consultants and additional traffic modelling and design work has taken place to modify these proposals to make them acceptable. The traffic modelling has been undertaken to calculate the effect of the development traffic on the network based on the likely build rate for this and other close by developments with a view to ensuring that junction capacity does not become critical prior to the construction of the WRR in 2015. The modelling shows that it is unlikely that a critical state will occur. Should however the WRR be delayed, then the applicants will pay SCC a contribution to enable the agreed mitigation to be put in place.

It is clear therefore that the provision of the WRR is not required prior to this development commencing.

This is a full application, so it is essential that the internal development layout is acceptable from a Highway viewpoint to appropriately cater for vehicles and pedestrians. The layout has been the subject of discussion with the Highway Authority but that currently proposed is as yet not agreed with my colleagues although I have no doubt that the small issues that exist will be agreed. It is also essential that a travel plan that delivers a sustainable and fully integrated development is agreed and attached to any S106 agreement. It should contain the following:-

- Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the S106 agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a full travel plan schedule which contains a full range of measures to assist with sustainable travel
- Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices
- Travel information contribution of £200 to assist the County Council in providing relevant cycle leaflets and bus timetables to be provided by the developer as part of travel information packs (£1.50/dwelling)
- Smarter travel management fund of £7,500 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator promote sustainable travel, and should targets not be met to provide further remedies
- Fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on the stops on Milton Hill with a commuted maintenance sum
- Travel Plan Fee of £2000 to assist SCC's role in supervising the implementation of the travel plan as a one-off payment
- Cycle link to existing cycleway on Yallands Hill
- Off-site canal side cycleway signage improvements (TBD)

SCC - RIGHTS OF WAY - Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (temporary closure/stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

A temporary closure, if required, can be obtained from Sarah Hooper on (01823 483091).

With reference to more general walking/cycling matters, It is not clear from drawing 09001/001 Rev D Proposed site layout, the extent of footpath/ cycleways and whether they will fully link to the internal road layout. In particular the most western cul-de-sac and it's linkage to the east-west cycleway would be beneficial as access for pedestrians and cycles. Also, at the eastern end of the development it would appear to make more sense, if feasible, to have a zebra crossing north of the new roundabout to help facilitate journeys to school, rather than south of the roundabout as currently shown.

I note that the existing tarmac path serving the school on the eastern side of Milton Hill could benefit from widening and potential adoption as footway/cycleway as it does not appear to currently form part of the highway or school land.

WEST MONKTON PARISH COUNCIL –

In 2002 the timing of the Western Relief road was thought to be important and safeguards for the residents of West Monkton were put in place to ensure its provision. Since 2002, the traffic situation in the village has become much worse and it is imperative that the Western Relief road is completed as per the document (see

extract below).

I spoke to County Highway Authority who consider that the Transport Assessment does not support the developers stance regarding this application and has requested further information. Apparently the land for the relief road is owned by four different owners and this prevents the developers from building the Western Relief Road. As far as I am aware the land has not changed ownership since 2002 so this should not be an issue.

The parish council looks forward to working with TDBC in the future and hope they will support the parish on this issue, after all developers knew about these requirements when they considered development of the land.

Relief road

Although having no legal or valid technical basis, the County Highway Authority and the development consortium submitted a preliminary statement of agreement at the Local Planning Inquiry (2002), regarding the implementation of the relief roads, the details of which are set out below. However, the precise timing of the eastern and western sections of the relief road were to be determined through a Transport Assessment (TA), to be submitted as part of any comprehensive planning application for the Monkton Heathfield major development site.

The 2002 Statement of Agreement indicated the eastern section of the relief road would be required to be completed before the occupation of 300 dwellings within the 'mixed use allocation. The threshold for completion of the western section (A3259 link) was anticipated before the completion of 650 dwellings within the major development site or 90% (90 units) of the Aginghills farm development, whichever is the sooner. However, the TA and its subsequent agreement will determine the timing of the actual implementation of the relief road and associated works."

ENVIRONMENT AGENCY - Thank you for consulting us on additional information submitted in respect of the above application which was received on 04 May 2011. We confirm that based on this information we now WITHDRAW our previous OBJECTION subject to appropriate conditions and make the following comments:

We have reviewed the information presented in the Hydrock Consultancy Ltd Report "Birds Farm, Monkton Heathfield: Desk Study and Ground Investigation Report, Final" dated May 2010. Whilst we concur with the assessment that the site is unlikely to represent a risk to controlled waters, it is not clear if a search for unlicensed private abstractions has been incorporated. We would recommend consultation with the Local Authority Environmental Health Officer to confirm the absence of such features. In the absence of such investigation, we consider that any issues arising during the development in relation to contamination can be adequately dealt with by attaching the above condition.

Paragraph 4.9 of the submitted Ecological Assessment suggests that the depth of water in the Allen's Brook precludes its use by otters. We would disagree, as there is plenty of evidence that otters will use quite small watercourses. Stream corridors are not just used for feeding but provide otters with cover, routes and lying up places. In addition the conditions noted may not be typical of other parts of the watercourse or the same parts under different conditions. In our view, with otter now

occupying most suitable habitat in Somerset, it is misleading to suggest that possible use of the Allen's Brook corridor by otters should not be considered.

We generally welcome the protection of the Allen's Brook corridor and other hedgerows which appear to occasionally support a watercourse. We also welcome the provision of the functional ponds within open space both for attenuation and biodiversity reasons. We consider that some of the proposed housing at the western side of the proposed development is too close to the watercourse and could both constrain its corridor and provide unwelcome light spill if not sensitively managed.

Although the watercourse is generally treated sensitively by the proposals the riverside corridor should remain unobstructed so that otters can pass without being forced onto roads or away from the corridor of the Allen's Brook. Any crossing of the Allen's Brook should be done using clear span bridging rather than culverts.

We would recommend that a strip of land, at least 5.0m in width, is retained free of all built development, fencing, and ground raising, etc. adjacent to the top of bank of any watercourses crossing or adjoining the site. This recommendation is also made to facilitate access along the edge of the watercourse in future for channel/bank vegetation maintenance and / or to provide sufficient space for any improvement works deemed necessary to the channel in future.

All new surface water discharges made direct to a watercourse must terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with us as to whether any Flood Defence Consents are required for any detailed proposals. For information, under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary watercourse will also require consent under section 23 of the Land Drainage Act 1991.

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Details of the potential crossing of the Allen's Brook by the future Western Relief Road will be the subject of further detailed flood risk assessment by the Environment Agency and Highways Authority, and no approval of any such details is implied by this application.

Any waste brought into or disposed of off site will be subject to an Environmental Permit or Exemption which must be obtained from us.

STRATEGY AND COMMUNICATIONS UNIT - – no comment

SCC - ECOLOGY - A Habitats Regulation Assessment has been undertaken on behalf of TDBC by Larry Burrows. This has been confirmed by Natural England. The applicant has proposed amended mitigation measures, including the provision of a

20m wide buffer planting strip to the south of the likely alignment of the Western Relief Road, to counteract any negative impact on Lesser Horseshoe and other bat species that may be affected by the development.

The Habitats Regulation Assessment identifies that in order to secure a no likely significant effect Taunton Deane Borough Council have considered and set out the following counter acting measures that will be conditioned in granting planning permission:

1. Provision of a 20 metre buffer of woodland planted along the southern boundary of the site, south of the route of the new western relief road. When functional, this will form a continuous unlit corridor around the southern perimeter of the site, linking to vegetation along Allen's Brook to the west, which will provide the opportunity for light-sensitive bat species (including lesser horseshoe bats) to access additional foraging habitat. The planting schedule and layout of the 20m buffer planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009) [see Appendix 1]. The on-site buffer planting will be planted at the commencement of the works on site. Advanced stock (Extra Heavy Standards) will be used.
2. Retention of the existing trees and hedgerows along Allen's Brook on the western boundary of the development. This will link in with the buffer planting.
3. Any paths and cycleways through the buffer planting will be constructed diagonally rather than at right angles through the buffer and will not be lit. These paths/cycleways will not exceed 3m in width.
4. The proposed route of the new relief road will be offset from the buffer planting by a minimum of 5 metres.
5. The area to the south of the buffer to be managed as permanent pasture with attenuation ponds. At certain times of year these ponds would hold water, whilst others would provide wet grassland habitat.
6. Preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site for a period of 25 years from completion of the works. This will include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured a planning condition.
7. To minimise the effects on lesser horseshoe bats (and other bat species), a lighting strategy (to be produced at the reserved matters stage) will incorporate the following measures:
 1. There will be no routine night-time working during the construction stage of the development.
 2. Street lighting will be set at 5 metres (the minimum height permissible in Somerset) and will be directed to where it is needed to avoid light spillage and pollution.

3. Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, and Allen's Brook) will be directed away from these features and lighting levels will not exceed 0.1Lux
4. Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

It is considered that with these measures in place there is unlikely to be a significant effect on the population of lesser horseshoe bats at Hestercombe House SAC.

SCC - HISTORIC ENVIRONMENT SERVICE - The submitted archaeological evaluation shown some remains in the southeast corner of the site and I recommend that the developer is required to excavate the heritage asset and provide a report on any discoveries made as laid out in PPS 5 (policyHE12.3).

SCC - CHIEF EDUCATION OFFICER - The local catchment schools do not have capacity to accommodate the additional pupil numbers likely to arise from this development. A financial contribution is therefore sought for the provision of additional pre-school (£50,744), primary school (£343,196) and secondary school places (£369,380)

HOUSING ENABLING :- Whilst in an ideal world we would require 35% affordable housing all of which are 2, 3 and 4 bed houses we do very rarely get offered such a good mix as this so I would accept 33.8% with this mix :- 2 bed houses 27; 3 bed houses 13; 4 bed houses 6.

I would like the 4 bed houses to be for rent rather than shared ownership and the rented units will be social rented houses not affordable rented houses

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Noise - no objection subject to appropriate conditions

WESSEX WATER - - Have yet to agree a drainage strategy with the applicant. Foul Water but additional details have been supplied that would be an acceptable basis for a drainage strategy. No objection subject to a condition requiring the submission of an acceptable drainage strategy, its provision and long term maintenance.

Water Supply - There is sufficient capacity within the water supply network to serve the proposed development.

Flood and Water Management Act 2010 - The Flood and Water Management Bill became an act of parliament during April 2010 and central government intend to issue and implement detailed regulations and Codes of Practice some time after April 2011.

The council should note that the provisions contained in the new Flood and Water Management Act 2010 will require that;

- a) sewers and off site lateral connections are subject to a compulsory signed adoption agreement before connecting into the public sewerage system
- b) new sewers and lateral connections are built in accordance with the proposed Government Mandatory Build Standard

National Standards for sustainable drainage - National Standards for the design, construction, operation and maintenance of SuDS are also being drafted. Plans for the drainage system will need to be approved, before construction can start, by the SuDS Approving Body (SAB) which will be Somerset County Council.

NATURE CONSERVATION & RESERVES OFFICERS - no objection based on the submitted ecology report and subject to conditions.

DRAINAGE ENGINEER - Additional information has now overcome my concerns.

LEISURE DEVELOPMENT MANAGER - Play areas and public open space should be provided in accordance with the local plan policy C4 requirement. I am concerned about the proximity of the proposed play area to the Western Relief Road and would prefer to have the play areas relocated to the centre of the site, overlooked but at least 5m from any dwelling. Contributions are required towards active outdoor recreation; allotment and public art provisions. The amended details provide a much better layout and play provision and I consider that the scheme is now acceptable.

LANDSCAPE LEAD - TDLP policies EN6, EN12, EN13, EN25 are relevant. The eastern hedgerow should be retained and where lost to highway visibility it should be replanted I consider that plot 1 is too close; I would like to see additional tree planting next to the houses within the development site generally and along the southern boundary of the proposed Western Relief Road.

NATURAL ENGLAND - No development should take place until a strategy to protect and enhance the development for wildlife, based on the Ecology Solution's report dated June 2010, has been approved in writing by Taunton Deane Borough Council. Although the site has no statutory designated sites within or adjacent to it, Hestercombe House SAC is 2.4km to the north west. Natural England would remind TDBC of its duty on biodiversity issues under Section 40(1) of the *Natural Environment & Rural Communities Act 2006*, Regulation 3(4) of *The Conservation (Natural Habitats &c.) Regulations 1994* and Section 74 of the *Countryside & Rights of Way Act 2000* - to ensure that the potential impact of development on species and habitats of principal importance is addressed.

SOMERSET DRAINAGE BOARDS CONSORTIUM - no objection but additional detail should be provided by condition for a surface water management plan designed to limit the developers impact on the receiving land drainage network.

CHEDDON FITZPAINE PARISH COUNCIL - concerned regarding the loss of the green wedge separating Taunton from its surrounding villages, which, in the past has been considered high priority by planners. The proposals cover an area from Waterleaze to Avinghills Farm/Allen's Brook and showed a large number of small houses/affordable dwellings in a high density that would lead to road congestion onto an already busy road. Another development off Yallands Hill south towards Dyers Lane, for 4 to 5 bedroom houses in a low density, including 35% affordable would add to this problem.

BRITISH WATERWAYS Object to the proposal - the Canal has suffered localised over- topping in the past as a result of additional flows from housing located near the canal and the Flood Risk Assessment mentions that flooding has occurred near the Canal Culvert in the past. It appears that the proposal will result in the potential for additional flow through this culvert and we object to the proposal until further investigations are carried out as to the suitability for the culvert to cope with such flows.

A Discharge Licence may be required if any water is to be discharged into the Waterway and that this will only be granted if the waterway is deemed suitable to accept the potential volume of water proposed and if the water is free from pollutants. Amended details have been provided which overcome these concerns and British waterways have now removed their objection in this respect.

In addition we have concerns regarding the increased use of the towpath by future occupants of the housing. The towpath is already a well-used transport and recreational route. The Sustrans Cycle network Route 3 follows the towpath and many people use it as a direct route all the way into the town centre. The increased use by future residents will result in the need for additional maintenance and improvement works. We feel that it is unreasonable for British Waterways to incur additional costs as a result of the development and object in order to protect our land ownership from undue degradation. As mentioned above however we will be willing to remove this objection if we are able to ensure that suitable mitigation measures are put in place to help prevent such degradation.

We note that the accompanying traffic assessment mentions usage of the canal towpath as a sustainable transport route, but does not consider the likely volume of additional usage or the resultant implications. The towpath is approximately 300m from the site.

Circular 05/2005, Annex B sets out the circumstances when a proposed development should require a planning obligation. Annex B states that planning obligations might be used, when appropriate, to compensate for loss or damage caused by a development. It encourages obligations to help offset through regeneration the loss of, or damage to, a feature or resource present or nearby, for example, a landscape feature of biodiversity value, open space or right of way, in other words a feature such as a stretch of canal towpath. The Taunton Deane Strategy, proposed core strategy, green infrastructure route and Taunton Deane Local Plans have policies for increased walking, cycling and cycling by public rights of way including footpaths such as the canal towpath paragraphs indicate that the Council should be supportive of increased usage of an existing walking and cycling route, particularly when a development is located close to it. Policy C6 states that the impact of a proposal on a public right of way is a material consideration and

therefore we believe that in order to encourage the use of the towpath for the benefit of future residents the Council should consider the need for mitigation to ensure that the right of way is not adversely affected.

A detailed survey of the condition of the towpath between Firepool Lock and Bathpool, (approximately 2.6 km) indicates that the wearing surface has degraded in some locations and requires replacement to remove wet spots, remove trip hazards and allow safer cycling and improved accessibility for all users. There are few dog or litter bins along this stretch and we would suggest that these basic facilities are improved to meet the needs of the additional users. We would also suggest a finger post sign or other interpretive panel to advise distance, routes etc.

Due to the large number of dwellings proposed in the area we feel that the development should only be required to fund a proportion of the total cost of the towpath improvements for this stretch and our figures suggest £220 per dwelling would be appropriate.

Representations

48 letters of objection have been received raising the following points:-

- Bungalows will be overshadowed by the proposed housing and sunlight will be very restricted;
- The proposal would provide approx one third of the Western Relief Road and with the part of the road in third party ownership it is unknown when the remaining road could be built;
- Western relief road must be provided before this site is developed;
- all development in this area should contribute to the provision of the western relief road and necessary services/infrastructure;
- the proposed new road and roundabout on Milton Hill have crossings but no thought has been given to the existing roads and the safety of pedestrians, cyclists or the congestion for cars and buses on the narrow overloaded roads;
- The WRR will serve to move the traffic congestion further south along Milton Hill to the new roundabout which will bottleneck when additional cars are using the network;
- the road network cannot handle the existing traffic and more traffic would make this worse and be unacceptable;
- there is an existing capacity issue at Bridgwater Road/Milton Hill and additional traffic would exacerbate this;
- The accident record over the last 30 years is too low probably because many of the accidents with cyclists have not been reported;
- The A3259 acts as a barrier to pedestrians on the north side of Yallands Hill and access to the pedestrian footpath is hazardous;
- there are no proposals for traffic calming along the A3259, which were to accompany the WRR to enable removal of through traffic;
- references to a cycle path at Yallands Hill are misleading as the cycle path stops at the bottom of Yallands Hill;
- adequate cycle and pedestrian links should be provided to ensure the development is safe for the public, especially school children;
- traffic will exit the estate and turn right to the Milton Hill junction putting pressure on the school access and School Road. There is no pavement on the one way section and the development should not proceed until the WRR is complete;
- The TA was based on a computer model. I do not believe any actual surveys were undertaken and I do not think anyone has tried to cross the A38 or A3259

- during busy periods by vehicle or foot as it is not safe to do so;
- the additional traffic will endanger the safety of pedestrians using the road system;
- a new gas regulator has been sited on the ground where the new roundabout is due to go;
- a cycleway should be provided that stops cyclists having to use Yallands Hill;
- The schools are full already and the existing infrastructure cannot cope with the proposed development;
- the extra traffic and roads will stop people walking;
- An existing sewer runs parallel to the rear of properties in Yallands Hill approx 2m from the boundaries and at a deep level and the proposal should take this into account;
- Proposals should allow access to the existing sewers adjacent to the rear of Yallands Hill to enable maintenance;
- the existing sewerage system may not be adequate to cope;
- A natural watercourse runs behind the rear gardens of Sylvan Way and the plans should ensure that this is managed appropriately;
- Monkton Heathfield should remain a village not a housing estate;
- Properties adjacent to the existing bungalows should be single storey;
- the proposed public cycleway and pathway are only approx 6ft from the boundary with Birds Nest;
- the boundary with Birds Nest has been drawn in the wrong location;
- development should retain all the existing hedgerows and erect a strong wall/fence for added security and privacy;
- Policy T10 refers to lower densities but this proposal is not;
- policy T10 considers that the allocated site should be considered as a whole and the requirements of the Local Plan (100 houses and the provision of the WRR) should be strictly adhered to;
- the proposal will result in the loss of green wedge;
- the development would have a detrimental impact on the context of Maidenbrook Farm, a grade 2 listed building;
- Density is above that envisaged in the local plan;
- the proposal is not a sustainable development as the impact on existing infrastructure will be unacceptable;
- the proposal will result in the loss of wildlife habitat and lead to an increase in noise fumes and vehicle movements;
- dwellings should be more spaced out and in keeping with existing area;
- There should be a green buffer between the existing and proposed dwellings and a natural green area provided adjacent to the streams and hedgerows;
- There are no plans of the proposed boundaries between the existing and new properties;
- We were told that a green wedge would be in place but this does not seem to be part of the proposal;
- Social housing is out of keeping with the area;
- social housing should be spread throughout the development but there is an over concentration at the northern section;
- The open space should be further to the north near to the social housing where the need is greater;
- the two storey dwellings will overlook the existing bungalows and their gardens;
- The 2.5 storey house overlooking 16 Sylvan Way is inappropriate causing a loss of outlook and amenity. New development should be single storey only;
- the designs are standard David Wilson Homes used throughout the country and do not reflect the local vernacular;

- the area is dominated by bungalows and the proposed houses, up to 8.3m in height, are out of keeping;
- The development will remove existing occupier's outlook and views of the Blackdowns;
- the height of the new dwellings will reduce the privacy and sunlight to existing dwellings and their gardens;
- The proposed dwellings backing onto Willows End are too close and will result in unacceptable overlooking. The triangular site boundary should be squared off and new fencing and planting should be provided to provide a screen;
- The development will make it harder and more dangerous for caravans, campers and large vehicles to exit the site onto Milton Hill.

PLANNING POLICIES

T8 - TDBCLP - Monkton Heathfield Major Development Site,
 T10 - TDBCLP - Housing Allocation (Aginghill's Farm, M Heathfield),
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 H10 - TDBCLP - Affordable Housing Targets,
 C1 - TDBCLP - Education Provision for New Housing,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN12 - TDBCLP - Landscape Character Areas,
 EN13 - TDBCLP - Green Wedges,
 EN14 - TDBCLP - Conservation Areas,
 EN24 - TDBCLP - Urban Open Space,
 M4 - TDBCLP - Residential Parking Provision,
 STR1 - Sustainable Development,
 STR4 - Development in Towns,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The application site is allocated for residential development in the Taunton Deane Local Plan under planning policy T8. The policy requires a comprehensive mixed use development of the identified land including the provision of adequate education facilities, social and community facilities; public open space and play facilities; surface water attenuation; Affordable housing; cycle and pedestrian linkages throughout the development connecting to local services and the town; bus linkages and service improvements; Eastern and Western Relief roads. The allocation covers two areas. Land to the east of Monkton Heathfield (50Ha) to include a mix of uses and services and the application site (ha) to the west allocated for residential use.

In addition to policy T8 the Local Plan policy T10 covers the additional detailed requirements for the current application site at Aginghills Farm.

T10 - A site of 4.8 hectares north of Aginghill's Farm as shown on the
 Proposals Map is allocated for residential development.
 Affordable housing will be sought on this site in accordance with policies H9 and

H10.

8.148 This smaller area of housing is the most visually sensitive, so will be screened by an area of tree planting to the west. It is within the current green wedge which separates Monkton Heathfield from Bathpool, set on land which rises up to the north. Access could be from the north, which would require the removal of through traffic from the A3259 arising from the provision of the relief roads.

8.149 The site will be suitable for lower density houses set in substantial grounds. Over time this will allow the growth of large trees in the gardens, softening the views of the site. It is expected that the site will be completed by 2011."

The current application is for the provision of 136 houses with a mix of tenures, sizes and designs. It does not propose dwellings in substantial grounds as required by the local plan but with a density of 24 per hectare on the site, is by today's standards, considered to be a low density development. The proposal retains the western planting adjacent to the Allen's Brook and provides a wildlife buffer of 20m to the south of the alignment of the WRR to ensure that the development compensates for its impact on the green wedge and wildlife.

The proposal incorporates 46 dwellings for affordable rent. This is marginally below the 35% (47.6) stipulated in the policy but, unusually, there are no flats within the scheme and as the identified need in the area is for more family sized accommodation this is considered to be preferable to the provision of a larger number of smaller flat units.

To the south of the site the Local Plan envisaged the provision of a Western Relief Road, in association with the whole allocation (circa 1000 houses), to link the A38 to the A3259 to replace the existing road link, Milton Hill, provided it was shown to be required by a Traffic Assessment. This is discussed in more detail below. The current development proposes to construct a portion of the western relief road (1/3) including a new roundabout junction in the vicinity of the Dyers Road / Milton Hill junction and dedicate the remainder of the land required for the WRR to the Highway Authority ready for its provision. The Consortium developing the remainder of the allocated site (900 dwellings) is required to complete the WRR from the A38 to the A3259 after the occupation of the 651st dwelling.

Highways

When allocating the Monkton Heathfield sites for development the Taunton Deane Local Plan envisaged that a new relief road network would be required to cater for the additional traffic and to enable traffic calming of the A3259, through Monkton Heathfield and the A38 through Bathpool. The relief roads were defined as the Eastern and Western Relief Roads. The alignment and provision of the Eastern Relief Road (ERR) has been agreed with the outline permission issued on the land to the east of this site. The approximate line of the Western Relief Road (WRR) was drawn on the proposals map, running along the southern boundary of the current residential application site. This alignment is in the process of being properly designed and I am advised that it accords with this application. In the Local Plan and Development Guide the timing for the provision of the WRR was to be determined by traffic impact assessments, to form part of the planning applications. The outline planning approval for the land to the east of this application site (900 dwellings)

required the developer to provide the WRR before the occupation of the 651st dwelling but the owners of the Aginghills site were not party to that agreement and have undertaken a separate Traffic Assessment looking at the capacity of the highway network to accommodate the traffic from their development.

The WRR has now been designed by the Highway Authority and the Consortium has agreed to provide the road when the full design and Compulsory Purchase Order steps have been completed. The Highway Officer estimates the timing for the provision of the WRR as three years. As a result there is every expectation that the WRR will be constructed before this development has been completed. Irrespective of this, the impact of the current proposal on the highway network has been assessed without the provision of the WRR.

The current proposal would provide the eastern section of the WRR (approx 1/3 of that area of road), sufficient to gain access into the development site, and the dedication of the remaining land required for the future provision of the WRR across the site.

A Transport Assessment (TA) has been updated and revised. The development site would be accessed by means of a new roundabout situated close to the junction of Dyers Lane and Milton Hill. This results in the diversion of Dyers lane onto the section of the WRR being constructed to gain access to the development. A Controlled crossing for pedestrians and cyclists is also provided on Milton Hill, close to the roundabout. These proposals are acceptable subject to Safety and Technical Audits.

The TA indicates that the network is congested when committed developments are considered. In particular, the capacity of junctions at School Road/Greenway and A38/ Milton Hill. In order to mitigate the School Road junction problems a mini roundabout has been proposed which County Highways consider to be acceptable. In order to mitigate the additional congestion that would be generated at the A38/ Milton Hill the TA proposes mitigation in the form of Traffic Signals and road markings on the new roundabout (yellow box markings) to keep the NW-SE roadway free from obstruction. County Highway officers consider that this would overcome the congestion problems at that junction and they do not raise an objection to the current proposal. The mitigation works are not required immediately as they depend on additional traffic from the adjacent site and this site together and it is possible, if the three year delivery is achieved, that the mitigation works would not be required. In that event the monies would go towards the cost of the delivery of the WRR.

The access off the WRR into the site would be to the west of Milton Hill and consist of a single point of entry-exit. The main road into the site then extends north to provide access to three residential areas to the west, north and east of the site entrance. The highways have been designed to differentiate between the main road and residential off shoots by varying the width and surface materials. Details have been submitted to overcome minor problems with the internal layout and I am awaiting the highway comments on these (I will place these comments on the update sheet).

A revised layout plan has been submitted which indicates a site average of 1.5 parking spaces per dwelling and the parking spaces are provided either on plot, in areas provided at right angles to the highway or in small courtyards. This is in accordance with the Taunton Deane policy M4 that stipulates maximum parking standards for residential development.

The proposal includes the provision of a cycleway / footpath link running north – south from the future WRR to the A3259. Two other footpath links are proposed; one at the far west of the site, eventually this would be onto the WRR and to the west, and one to the far east of the site, onto Milton Hill. These details are considered to provide an acceptable level of linkage to the surrounding transport network.

In conclusion, the Taunton Deane Local Plan and the Development guide state that the timing for the provision of the relief roads will be determined by a Transport Assessment, along with the mitigation measures on the A38 and surrounding highway network. The submitted Transport Assessment (including addendum information) establishes that, with appropriate mitigation as proposed, the traffic generated by the development can be accommodated by the road network and the proposal is therefore considered to be acceptable.

Design and impact on existing residents

The Local Plan allocation suggested that the site should provide a low density development with good landscaping to help assimilate the development into the surrounding countryside and green-wedge. This proposal is for 136 dwellings on 5.65ha of developable land, resulting in a density of 24 dwellings per hectare, well below the densities sought by the previous Government for development sites. It proposes the retention of the western hedgerow adjacent to Allen's Brook and a central green open space with children's play area. Adjacent to the north – south footpath link mentioned above there is an area of public open space enabling the retention of two existing hedgerows. The retention of the natural features and the shape of the site means that the housing layout forms three areas of residential development, one to the west, north and east, linked by a west east access roadway.

The development has been designed so that the new properties front onto the future WRR to provide an interesting street frontage. In order to preserve an adequate level of amenity, given the potential use of the WRR in the future, these properties have been set well back (2-5m) from the pavement edge behind metal railings with a hedge and tree boundary behind.

The proposed development is for a range of detached, semi-detached and terraced dwellings. The house types are standard David Wilson Home designs but they have been chosen from a range of house types because they reflect the character of the area. The proposed materials are a mix of slate grey, orange and red roof tiles, yellow and red bricks with the occasional render. Samples of these have been requested to ensure they are in keeping with the surrounding area.

Of great importance is the relationship of the proposed housing to the existing development. The development site lies generally to the south of the existing housing although a finger projects north with dwellings to the west and east. Detached dwellings have been sited where rear gardens can provide an adequate level of separation from the existing dwellings. Normally developments provide minimum rear garden distances of about 10m and window to window distance of about 20m. This proposal provides a range of rear garden distances. Where the proposed dwellings back onto dwellings along Yalland Hill, which have long back gardens, the proposed dwellings are from 10m – 15m from the boundary. The majority of the dwellings to the east of the site are all single storey bungalows. Some

have a higher ground level than the application site but all will be affected by the development. In recognition of the difference in the height of the existing and proposed dwellings rear gardens of 12 - 15m have been provided and the boundary hedge is to have occasional trees along it to provide a dappled boundary to further reduce the impact of the new dwellings on the existing properties. One area of specific concern was the erection of a dwelling and attached garage on plot 30 which was approximately 6 m from the boundary with two bungalows. Amended plans have been received which replace the house type with a 2 storey dwelling and detached garage and re-site the dwelling further from the boundary.

The site drainage has taken into account the existing watercourses and the applicant proposes to improve the capacity of the foul sewage system to serve the additional demand.

Affordable Housing

Taunton Deane Local plan requires the provision of 35% (47 units) Affordable housing units on the site. At Monkton Heathfield (same allocation) the 35% was split 50% social rent and 50% Shared Ownership. The phase 1 reserved matters has provided 158 affordable housing units of which 18 are provided as flats. It is recognised that there is now a strong preference for larger 2/3 bedroomed dwellings in Taunton, which are generally more costly to provide.

The original affordable housing scheme for this site was for 48 units and included the provision of a 3 storey block of 6 flats. The flats were considered to be out of keeping with and less suitable to cater for the current identified housing needs for the area. The application has now been amended and replaces the flat block with three two bed roomed dwellings providing a total of 46 units, 34% of the total development.

As the identified need in the area is for larger 2 and 3 bedroomed dwellings rather than flats this proposal is welcomed and considered to be an acceptable compromise.

Education

The County Education Officer has confirmed that there is no capacity for primary or secondary schools in the vicinity of the development site. In order to secure adequate provision contributions are required based on the likely need. This results in the requirement for contributions of £343,196 for Primary school places and £369,380 for Secondary school places. In addition in 2006 Government placed a duty on the Education Authority to provide pre-school places and where they are not already available contributions are required. In this case an additional £50,744 is required. In total the Education requirements is £736,310. The applicant is currently offering £331,306.96, less than half the required sum and this matter is currently under discussion and would need to be agreed as part of the Section 106 discussions, prior to the grant of planning permission. The recommendation is that the full contribution, as identified by the Education Authority, is required.

Landscape and Wildlife

The proposal is located within part of the former green wedge separating Taunton and Monkton Heathfield. It was allocated for development in the Taunton Deane Local Plan leaving the land to the west to perform that green wedge function. The

Local Plan recognised that the land, sloping gently up from the south, was more visible and considered that landscaping within the site should enable its softening to assimilate it into its rural edge location. The current scheme has utilised the existing hedgerows as much as possible to enable a degree of landscaping immediately. Additional landscaping has been proposed through out the site in association with the residential layout and public open spaces.

The Local Plan envisaged tree planting to the western boundary of the site and the proposal includes the retention of the existing Allens Brook Hedge boundary for that purpose. In addition the WRR to the south of the site is to be landscaped. The proposal for this links into the need for wildlife mitigation planting to compensate for the loss of habitat for wildlife species some of which are protected by law. The proposal is for the establishment of a 20 wide landscape buffer to be planted with a mix of tree and shrubs. The landscape Officer would have preferred additional tree planting in the field to the south of the landscape buffer but this conflicts with the desire to establish permanent pasture land for a varied wildlife habitat and drainage attenuation features so in the circumstances additional planting has not been requested.

The ecological survey undertaken on the site indicated the presence of a number of protected species using the site. It included a survey looking for the presence of Lesser Horseshoe bats, potentially from the Hestercombe House SAC as LHB had been recorded on the site immediately to the west of these fields. The survey did not record any lesser horseshoe Bats but it did record the use of the habitat by a number of other bat species. The application proposed a number of mitigation measures to ensure that any impact of the development on wildlife was compensated for. As there were Lesser Horseshoe bat recordings on the adjacent site a Habitat Regulations Assessment was undertaken by Taunton Deane. This assessed the impact of the proposal on the wildlife of the area and identifies mitigation that would ensure that the impact of the development on wildlife is acceptable. The recommendations have been accepted by the developer and include the woodland buffer being increased from 15 to 20 metres in depth and the field to the south to be permanent pasture. The provision of the measures will be secured and maintained by condition.

Drainage

The surface water drainage for the application site would use Sustainable Drainage techniques to ensure that the run off rate does not increase from the current level. This involves the introduction of an attenuation pond on land to the south of the route of the WRR. This has been considered as acceptable by both the Environment Agency and TDBC drainage Officer. The Parrett Internal Drainage Board have requested long term maintenance arrangements to be assured and the applicant's have now provided a maintenance schedule that would achieve that aim.

The foul sewers for the area do not have sufficient capacity to accommodate the needs of the development. The applicant proposes introducing additional underground pipes to act as storage areas which will empty naturally during off peak times. Wessex Water's views on this are awaited but the final details of the scheme will be required as a pre-commencement condition should planning permission be granted.

Open Space/Recreation

Taunton Deane Local Plan policy C4 requires the provision of 2,760sqm of casual play space to include equipped play. This development proposes a central public open space within which would be a fully equipped open space. The Leisure Development Officer considers that the amended scheme will result in a good quality equipped area. In addition to the central open space the development also proposes a linear open space providing foot and cycle links through the site. This area retains the existing hedge so that a degree of established greenery will accompany the link. The developer proposes to provide and maintain the spaces into the future and conditions are proposed in order to achieve this at an appropriate standard.

Summary

The proposal is for the development of an allocated site providing 136 dwellings at a density of 24 per hectare. The proposed layout and design are considered to be acceptable. The proposal provides adequate affordable housing, play area and children's play space and is considered acceptable.

The submitted Transport Assessment establishes that, with the proposed highway mitigation works, the existing highway network can accommodate the additional traffic without the provision of the Western Relief Road and the proposal is therefore considered acceptable and in keeping with the requirements of the Taunton Deane Local Plan allocation.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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