

ERECTION OF 20 NO. DWELLINGS ON LAND TO THE NORTH OF STYLE ROAD, WIVELISCOMBE

Grid Reference: 308333.128208

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to –

A: The receipt of additional information regarding the likely impact of odour from the sewage treatment works on the proposed development and, if required, an acceptable mitigation strategy;

B: An amended design for Plot 1;

C: The submission of a plan detailing acceptable finished floor levels; and

D: The applicant entering into a Section 106 agreement to secure the following:

- (a) Affordable Housing – Provision of 5 units (2 bed dwellings) including 3 units for Social Rent.
- (b) Education – Payment of £51,720 to expand pupil capacity at Kingsmead School.
- (c) Public Open Space – Provision for ongoing maintenance/transfer to TDBC/Parish Council of public open space, play facilities and SUDS scheme.
- (d) Style Flats parking area – Transfer of Provision for ongoing maintenance/transfer to TDBC/Parish Council of parking facilities for Style Flats.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Travel Plan - The submission and implementation of a travel plan.
- (g) Payment of 1% of development costs towards public art.

Conditional Approval

The proposed development will form part of a wider residential development on land allocated for such purposes. The development will provide affordable housing and public open space in accordance with the requirements of Policy WV1 (Land North of Style Road) of the Taunton

Deane Local Plan and Policy CP4 of the Taunton Deane Core Strategy. Whilst the highway improvements to Style Road and the junction of Burges Lane and Ford Road required by policy WV1 will not be delivered by the current application, a development of the scale hereby permitted can be accommodated within the existing highway network and will not cause harm to highway safety. The proposed development is acceptably designed and does not impact unreasonably upon any other nearby property. It does not give rise to flooding and does cause harm to wildlife. It is, therefore, considered to be acceptable in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

- (A3) DrNo 4195/12 Location Plan
- (A3) DrNo 13093/6055 Boundary Treatments
- (A3) DrNo 13093/6040 Garages Floor Plans & Elevations
- (A2) DrNo 13000/5000D Phase 1 Planning Layout
- (A2) DrNo 13000/5001A Materials Layout
- (A2) DrNo 13000/5002 Open Space Concept Plan
- (A3) DrNo 13093/6000.1 P341 - Plot 7 Floor Plans & Elevations
- (A3) DrNo 13093/6002.1 H408 Elevations
- (A3) DrNo 13093/6002.2 H408 Floor Plans
- (A3) DrNo 13093/6003 H469 - Plots 8 & 13 Floor Plans & Elevations
- (A3) DrNo 13093/6004.1A H536 - Plots 9 & 14 Elevations
- (A3) DrNo 13093/6004.2 H536 - Plots 9 & 14 Elevations
- (A3) DrNo 13093/6001.1 H433 - Plot 15 Floor Plans & Elevations
- (A3) DrNo 13093/6006C SH17 - Plots 16 to 18 Elevations
- (A3) DrNo 13093/6005 P232 & P233 - Plots 19 & 20 Floor Plans & Elevations
- (A3) DrNo 13093/6050A Street Scenes
- (A1) DrNo SPP.1735.1 Vegetation Appraisal
- (A3) DrNo AQ1 Predicted Odour Impact

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

3. Prior to the commencement of the development hereby permitted a surface

water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.

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 in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

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 JH Ecology's submitted report, dated July 2012 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 the species.
- Confirmation of the appointment of a suitably qualified Ecological clerk of works; and
- 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 nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes, accesses and boxes; and bird boxes and related accesses has been implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy CP8 of the Taunton Deane Core Strategy and advice contained in the National Planning Policy Framework.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written

notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM1 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

6. Prior to their installation, samples 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.

Reason: To protect the character and appearance of the existing building in

accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, 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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policy DM1.

8. Prior to the occupation of the 15th Dwelling hereby permitted, the public open space indicated on drawing 19093/5000 rev D, including the Local Equipped Area for Play, allotments and access roads/footpaths including an access from the public footpath off the south eastern boundary, shall be constructed in accordance with full details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: To ensure that the public open space facilities required for the residents of the development hereby permitted is provided in accordance with Policy CP4 of the Taunton Deane Local Plan.

9. The proposed estate roads, 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 parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: To ensure that the dwellings are provided with an acceptable means

of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. Details of any external lighting, including street lighting and lighting within the Public Open Space, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Such lighting shall be designed in accordance with the wildlife mitigation strategy approved pursuant to condition 4 above.

Reason: To ensure that bat activity is not harmed by lighting installed at the proposed development in accordance with Policy CP8 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of 20 dwellings. The development is proposed as a first phase of a larger residential development, outline details of which are indicated on the drawings, but are not subject to this application.

The proposals include the realignment of Style Road to enter the site, with the old narrow section of style road becoming a T junction from the new road alignment. This application proposes to terminate the new length of Style Road within the site, just short of the eastern site boundary. From this new length of road, a spur would be formed into the remainder of the estate and two shared surface cul-de-sacs would be formed at the eastern end.

To the northeast of the proposed residential area would be an area of public open space comprising formal and informal play, allotments and a permanently wet attenuation pond. Vehicular access would be gained from the existing track to the north with a parking area to serve the allotments; and pedestrian access would be gained from the new residential estate, via the two cul-de-sacs.

The proposed dwellings would be mainly detached providing a minimum of two parking spaces (many with 3, including a garage). The exception would be a pair of semi-detached and a 3 terraced dwellings, which are proposed as the affordable housing on the site. These would have bay parking off the estate road. 7 parking spaces to the south are also proposed for the existing Style Flats.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land to the north of Wiveliscombe. It is currently accessed via a field gate through an otherwise strong hedge/tree boundary on the south side of the site from Style Road.

The site is broadly flat, enclosed by hedges and trees on all boundaries with the

exception of a brick wall to the boundary of one of the closest residential properties (Lamplighters) off the southeast corner of the site. In the southwest corner, 53 Style Road has a side elevation first floor window facing the site. Other dwellings to the north along the western boundary are set further back from the site boundary.

To the north, trees/hedges separate the site from a track that gives access to the Rugby Club's training ground (also to the north of the site) and the sewage treatment works which is situated off the north eastern site boundary. A public footpath runs to the east, beyond a tree line and stone wall.

The development of the site for 110 dwellings was refused in the 1990s as being contrary to policy and prejudicing the development of the Taunton Deane Local Plan. The site was subsequently allocated for development.

The site is part of the WV1 Local Plan allocation for residential development of no less than 50 dwellings and public open space (including children's play). The allocation also specifies a requirement for improvements to the local road network, pedestrian access from plain pond to the public open space, landscaping along the northern and eastern site boundaries and education contributions.

An application was submitted in 2008 (49/08/0017) by Gadd Homes Ltd for the development of 80 dwellings on this site. The Planning Committee resolved to grant planning permission subject to a Section 106 agreement. However, the S106 agreement has never been completed and the permission never issued.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL – Object for the following reasons:

The application proposes 20 dwellings upon the developable land incorporated in the previous application for 80 dwellings. The submitted drawing show that the 20 dwellings will take up 40% of the site, not 25%. With fewer dwellings on the land, there is lesser chance that a new access road to service these properties will be built, and therefore creating more parking problems and traffic congestion in the area. The Wiveliscombe Town Council note that the planning inspector will allow 20 houses to be built as a fall back option, but since that report, times have changed with increased traffic due to home deliveries and more cars on the road and without any guarantee of a new road it is concerned about traffic flow, parking, access and health and safety issues.

If TDBC decide to grant permission, then there should be no alterations to the traffic flow in Style Road until the second stage of the development has been agreed. There is no road giving access to the green area in phase one at the rear of the development. This area needs to be redesigned in order to consider new allotments and the children's play area needs to be redesigned. There would be a loss of parking at Style Road where the houses do not have gardens and parking spaces. Time restrictions should be imposed on the construction traffic particularly at school times. Construction traffic should not use Style Road or Burges Lane at any time.

SCC - TRANSPORT DEVELOPMENT GROUP – No objection.

The land is allocated within the Taunton Deane Local Plan for residential development and one of the requirements is for the new road to replace the existing sub-standard carriageway and an improvement of the junction of Burges Lane and Ford Road.

The application seeks to provide, what could be called the 1st phase, of this aspiration of the Local Plan. Therefore, I am content that the proposals are in line with the Taunton Deane Local Plan and I have no objection in principle to the development.

As mentioned above, the new road forms the first section of a larger aspiration, and will need to be secured under a Section 106 agreement. No development should take place until design and timing issues have been agreed.

The Transport Statement has been the subject of detailed scrutiny by Somerset County Council officers, who concluded that whilst there are some minor details with which one could take issue with, the Transport Statement is a fair representation of current and future traffic conditions.

The plans submitted with the original application depicted a level of parking below the current standards Somerset County Council Parking Strategy, adopted March 2012. However, this issue has been resolved through the submission of a revised plan (13093/5000D), which now indicates correctly sized parking areas together with an appropriate level of parking (61 spaces in total).

However, it should be noted that the garages are the minimum standard dimensions and do not appear to provide cycle parking. In addition, the Travel Plan does not indicate the level and location of cycle parking and therefore there appears to be an under-provision of cycle parking, which is contrary to the Somerset County Council Parking Strategy. There is sufficient room within the proposals to accommodate adequate provision, and this point will need further clarification.

The Transport Statement also includes details of a proposed Travel Plan, which is not considered acceptable in its current form. The Travel Plan should be viewed in the context of the larger proposals for the site & it should take the form of a separate document to the Transport Statement clarifying / expanding elements such as:

- Travel Pack. Detail should be provide on when these will be provided and how they will be administered
- Green Travel Vouchers. There should be further detail, including the amounts proposed together with the administration process
- Cycle Parking. There should be a commitment to the number of cycle parking spaces being provided.
- Welcome Packs. This should include details regarding their content and how they will be administered.

In addition to the above points, it is suggested that the Travel Plan should also consider/include:

- Travel Information Notice boards
- Website

- Detailed parking provision for all modes (car, motorcycle, cycle, etc)

Whilst the current Travel Plan requires further work to receive approval from the highway Authority, it is considered that this can be achieved through an appropriate condition.

Colleagues have been consulted upon the Flood Risk Assessment and drainage issues, but as yet their comments are unavailable. As soon as I receive these, I will pass these comments on as soon as they have been received.

In addition to the S106 Agreement mentioned previously, the Highway Authority would require the applicant to enter into a Section 278 agreement to design, fund, construct and implement the highway works as well as implement an monitor and agreed Travel Plan as described above.

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 & that currently proposed is generally acceptable. However, minor changes will be picked up through Section 38 and Section 106 approval.

One objection has been received relating to the Transport Statement and its content. The highway authority considers that the Transport Statement is sufficient and that the remaining issue surrounds safety of the local highway network against the additional traffic. Accident records have been checked as part of the evaluation process, and whilst there are a small number of accidents in the local area these do not appear to be attributable to specific highway design issues. Therefore, whilst there will be a small increase in traffic using the local network it is considered to be acceptable.

Recommends conditions that the gradient of the proposed access is less than 1 in 10; provision is made for the disposal of surface water; estate roads are constructed in accordance with further details submitted for approval; each dwelling should be served by a properly consolidated footpath and carriageway; drive gradients should not exceed 1 in 10; hardstandings should be at least 6m in length where up and over garage doors are used.

ENVIRONMENT AGENCY – No objection, subject to conditions.

We are pleased to see that surface water run-off from the site will be limited to the 1 in 2 year storm event for all return periods, particularly since the capacity of the receiving watercourse is unknown. The surface water strategy reflects the principles of Taunton Deane Core Strategy Policy CP8. We agree with the FRA that further consideration should be given to infiltration which is the preferred option when considered against the advice in the CIRIA SuDs Manual.

The FRA states that surface water infrastructure will be maintained by a management company. Provision for this should be included within the Section 106 Agreement attached to any permission granted.

It is important that the ecological value of the watercourse to the north east of the site is protected, and where possible, enhanced. For this reason we agree with the

recommendation of your Biodiversity Officer (dated 04 September 2012) to impose a condition securing an Ecological Management Plan within any permission granted.

Any works which will impede or alter the flow within the watercourse to the north east of the site will be subject to the prior written consent of the Lead Local Flood Authority (Somerset County Council).

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

Recommend a condition that a surface water drainage scheme is submitted prior to the commencement of the development.

NATURAL ENGLAND – Enhancements should be made to habitat for bats. Appropriate conditions, including a detailed mitigation and monitoring strategy should be required for Dormice. Biodiversity enhancements for great crested newts should be considered.

DRAINAGE ENGINEER – No objection subject to a condition that development should not commence until a surface water run-off limitation scheme has been submitted and agreed by the LPA. Special attention should be focussed on the proposed location for the attenuation pond and its outfall to the adjoining receiving watercourse as the proposed location is very shallow.

DIVERSIONS ORDER OFFICER – The development itself will not interfere with the public right of way, footpath WG15/5 (part of the West Deane Way) which runs to the east of the site, but the health and safety of walkers must be safeguarded during development.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – Due to the previous uses of the site and adjacent land, recommends a condition regarding contaminated land.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Comments awaited pending receipt of odour report.

STRATEGY AND COMMUNICATIONS – No comments received.

HOUSING ENABLING – Supports the application based on need. The affordable housing requirement for this scheme is 25% of the total number of units. The tenure split is 60% social rented, 40% intermediate housing. The requirement is for house rather than flats. The houses should be predominantly 2 and 3 bedrooms.

The affordable housing should meet the HCA design and quality standards 2007, including at least Code for Sustainable Homes level 3, or any subsequent standard

at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead.

LANDSCAPE LEAD – My main concerns are

- Loss of roadside hedgerow and no replacement planting.
- Loss of landscape character to residential character.

Other initial comments regarding the proximity of buildings to hedges have been superseded by amended plans.

COMMUNITY LEISURE – Provision for play and active recreation should be made for the residents of these dwellings.

Phase 1 of this development should provide 400 sq. metres of play, which is the equivalent of a LEAP. Problems were identified with the initially submitted layout, but this has since been addressed.

A contribution of £194 per dwelling should be sought for allotment provision along with a contribution of 1, 118 per dwelling towards local community hall facilities. Contributions should be index linked.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

BIODIVERSITY – The site comprises intensively managed pasture field, considered to be of limited ecological value. The site is enclosed by hedgerows with occasional trees and stone walls. Access to the development is proposed from Style Road and would result in the loss of a 92m length of species poor hedgerow. A balancing pond is planned in the proposed Public Open Space. An ecological impact assessment has been carried out and found the following:

Bats – Hedgerows and trees bordering the site provide potential foraging and commuting habitat. Lighting should be designed to minimise any impact on bats.

Dormice – Dormice are known to occur in the local area. Overall the hedgerows to the south and west are considered to be of low value to dormice. The northern and eastern hedgerows, which are to be retained are considered to be of value to dormice due to their mature overgrown nature and presence of trees.

Badgers – No evidence was found.

Reptiles – Suitable habitat was restricted to hedgerows and watercourse corridor. Since these will be largely retained and provided the site continues to be managed, no further survey work is required.

Otter – No holts or other lying up sites were identified on the site.

Amphibians – No suitable breeding habitat was found within the site.

Birds – Starlings and swallows were recorded. The site is likely to support nesting birds.

Hedgehogs – The site provides potential.

The mitigation measures proposed are supported with regards to hedgerows, badgers, bats, dormice, nesting birds and reptiles. There is potential for biodiversity gain as a consequence of development and a condition is recommended to mitigate impacts.

PARKS – No comments received.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE – No comments received.

POLICE ARCHITECTURAL LIAISON OFFICER – The design and access statement makes no reference to how crime prevention measures have been considered in the design of the proposal.

- Layout of roads and footpaths appear to be open, direct and likely to be well used. Physical features such as rumble strips can help to define the defensible space of the development. The cul-de-sac nature can also help to frustrate the search and escape pattern of the potential criminal.
- The majority of dwellings face each other which is recommended.
- Communal areas have the potential to generate crime, the fear of crime and anti-social behaviour. [Comments were made about the layout of the Public Open Space, but this has subsequently been amended to reflect the concerns].
- Dwelling boundaries appear to be clearly indicated. Dwelling frontages should be open; the more vulnerable rear and side boundaries should have a minimum height of 1.8m.
- Most parking spaces are in-curtilage. The parking facilities for the affordable housing give some cause for concern as they appear to be subject to limited surveillance from owners' dwellings. Communal parking spaces should be within view of 'active' rooms.
- Landscaping should not impede natural surveillance.
- The applicant should formulate all physical security measures with the police approved 'Secured by Design' award scheme.

SCC - ECOLOGY – No comments received.

SCC - CHIEF EDUCATION OFFICER - Although the application proposes just 20 dwellings, this would form only the first phase of a development of a total of 50 dwellings. I think it is therefore appropriate to consider the impact of these 50 dwellings and any financial contributions generated by the first phase should be levied on a pro-rata basis to this element.

A development of 50 dwellings would create the requirement for seven secondary school places. The net capacity of Kingsmead school is currently 735, with 789 actually on roll. The new science block will, we understand, increase the capacity to 800, but forecast rolls exceed this from next year, rising to 830 by 2016, without taking into account any new development. The school will therefore be unable to cater for the additional pupils from this development without further enhancing its accommodation. The capital cost of a secondary school place is £18,469, so the total contribution would amount to £129,283; or about £2,586 per dwelling. A development of 20 dwellings will therefore generate a financial contribution of £51,720.

The whole development of 50 dwellings would require the availability of ten primary school places. The local Wiveliscombe Primary school is, however, forecast to have sufficient capacity for most of the foreseeable future and no financial contributions will be required in this respect.

SCC - FLOOD RISK MANAGER – The information in the FRA demonstrates that it will be possible to drain the site in a sustainable manner and not increase flood risk to others. Not enough information is provided to enable a detailed check of the calculations to be carried out so the final design will need to be approved before construction commences. The volume of the storage pond especially will need to be checked as it has been sized to accept runoff from the developed part of the site only and the fall of the land means that the open space will also drain into it.

The FRA states the pond will be maintained by a management company. The long term viability of this needs to be assessed by TDBC.

Schedule 3 of the Flood & Water Management Act is due to commence next year and if construction has not commenced within one year of the commencement, the surface water drainage system may require approval of the County Council.

SCC - RIGHTS OF WAY – Note that there is a public right of way (PROW) recorded on the definitive map that abuts the site (footpath WG 15/5). Raise no objections to the proposal, but request that a pedestrian link to definitive footpath WG 15/5 is built to adoptable standard to provide access to the rights of way network.

Note that health and safety of the public must be taken into account and indicate when further approval from SCC is required.

SOMERSET WILDLIFE TRUST – No comments received.

WIVELISCOMBE CIVIC SOCIETY – The Local Plan inspector and subsequent policy envisaged access being provided from Ford Road, via a new length of road. However, that is no longer proposed and delivery is uncertain. Therefore, this application should be judged without reference to previous discussions.

The application should be refused because it will bring far too much traffic onto already substandard roads. General traffic has increased since previous decisions

were taken, especially delivery traffic. Most of the houses to the west have no off-street parking and a diversion to the Taunton Road via this direction involves going through the often congested Town Centre and a further pinch point in North Street.

WESTERN POWER DISTRIBUTION – WPD have an 11kV underground cable in the south west corner of the site. We would like the design to reflect this. Alternatively a route should be provided within the confines of the development.

WESSEX WATER – In terms of water supply, there is adequate capacity available to serve the needs of the development and no off-site reinforcement is required. A new connection with on site mains can be requisitioned from Wessex Water to serve the site.

In terms of foul drainage, there is limited capacity available within the public foul sewer and engineering appraisal will be carried out by Wessex Water to confirm the point of connection and the scope of any improvements required to the system. The public sewer suffers from surcharging during storm conditions and further checks may be required to confirm any risk of sewer flooding to the proposed dwellings.

Public sewers cross the site and no buildings will be permitted within the statutory easement under Building Regulations. No surface water connections will be permitted to the foul sewer. No public surface water sewers are available.

The sewage treatment works (STW) and terminal pumping station has sufficient capacity to accept the extra flow this development will generate.

The proposed development site may be affected by odour from the adjoining STW. Wessex Water will need to confirm the risk of odour to the proposed development and the impact that may occur during adverse conditions. A study will inform any potential need for mitigation and the scope and extent of improvement works. The developer will be expected to contribute to this study and the cost of any improvements. Conditions should be imposed that prevent commencement until this matter has been resolved to avoid a statutory nuisance and the council's EHO should be consulted to confirm the risk and necessity for mitigation.

Representations

One letter has been received confirming that the resident has NO COMMENTS to make.

One letter COMMENTS that proposals for 50 are preferable to the initial plans for 80 as they would lead to a better quality of life. However, still notes concerns, included in those detailed below.

5 letters of OBJECTION and 12 letters of CONCERN have been received raising the following points

- The development will lead to traffic and car parking chaos. Any new dwellings built in Wiveliscombe should be nearer the main road without having to pass

through already congested roads. The access roads are narrow, with tight bends and poor visibility. A significant amount of delivery lorries etc. use the access roads outside the surveyed peak rush-hour periods. The mainly elderly residents of Spring Gardens also use the road mainly outside the peak times. These are not accounted for in the transport statement, which deals with peak flow. Also, if the traffic surveys were conducted in school holidays, this would be misleading.

- Car parking is already a problem nearby. Any development will displace at least 24 cars. If parking for the Council flats on Style Road is removed to facilitate access, then parking in Spring Gardens will become a nightmare. The original proposals showed replacement parking provision for Style Flats. Higher parking provision (zone C of the SCC Parking Strategy) should be applied as this is a rural commuting community.
- The transport statement is incorrect in its statement that the narrow section of Burges Lane/Style Road is not heavily congested. It also overlooks the use of the road for pedestrians. There is no pavement from the bottom of Golden Hill to Style Flats for pedestrians – mainly children going to and from the primary school. It suggests that a bypass would be provided in the future, but does not undertake to provide it.
- If these dwellings are permitted, a new road is required and Style Road should become a cul-de-sac.
- The Doctor's surgery is about to move to a location outside the recommended walking distance.
- The fields are close to the sewage works causing smells.
- The site is too close to the rugby training ground which generates a lot of noise.
- There is no need for a further 20 dwellings. There is no employment in the town.
- Policy WV1 identified a number of benefits from the development of the site, which the current proposal is silent on:
 - Improvements to Style Road/Burges Road and the junction with Ford Road.
 - Provision of Public Open Space.
 - Affordable housing.
 - Pedestrian access from Plain Pond to the area of Public Open Space.
 - Landscaping along the northern and eastern boundaries of the site.
 - Education contributions.
- The previous heads of terms of the S106 agreement for the previous application allowed the provision of 20 dwellings ahead of completing the improvements to Style Road, but completion ultimately within 5 years. It did not obviate the need for the developer to construct the road even if they only built 20 dwellings. The current proposal makes no commitment to complete the road.
- The developer appears to be attempting to avoid the financial implications associated with improvements to Style Road/Burgess Lane and its junction with Ford Road by reducing development to a level that they perceive it is not required. However, the traffic issues associated with the current use of Style Road are such that no development should be permitted without these improvements. The previous agreement that 20 dwellings could be constructed prior to the completion of the road was not acceptance that 20 dwellings was acceptable, rather it was a phasing compromise on the basis that the 80 dwellings would come forward within a reasonable time scale, in

order to allow development to proceed. It was to be required that the improvements to Style Road/Burgess Lane and the Ford Road junction would be delivered within 5 years – specifically to prevent the developer only building out the first 20 units and not delivering the highway improvements.

- The submitted transport statement does not discuss the standard of the existing highway network and appears to assume that it is adequate to accommodate the proposed development. This is an oversight and it is believed that the existing highway infrastructure is not acceptable.
- The current proposal is for significantly fewer dwellings than the Council previously resolved to permit.
- Permitting these dwellings without guaranteeing the necessary road improvements may mean that the remaining development cannot fund the required highway works. This application seems to be avoiding to deliver the requirements of Policy WV1.
- The development will lead to the diminution of all green space on the north side of Wiveliscombe's current boundary, which is what makes the town a special place.
- Local schools and medical facilities are already at capacity.
- The proposal looks exactly the same as any development anywhere in the country. This Greenfield site is a golden opportunity to incorporate fresh ideas and thinking on housing with special emphasis on sustainability, visual and environmental impact.
- The sewage treatment works need expanding to accommodate the development.
- With global issues of food production, it does not seem morally right to take food producing land out of production.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
C1 - TDBCLP - Education Provision for New Housing (HISTORIC),
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, access and the impact on the highway network, the layout and design of the development, and the impact on community facilities and infrastructure. Matters such as drainage and the impact on wildlife must also be considered, but they are not considered to be decisive in this case.

Principle

The site is allocated for development under Policy WV1 of the Taunton Deane Local Plan, which is saved by the newly adopted Core Strategy. The broad principle of the

development is therefore considered to be established, despite the concerns of the Landscape Lead and representations that development in Wiveliscombe should be situated to the south rather than the north of the town.

Policy WV11 specifies that the development should be for no less than 50 dwellings. This application proposes 20, although an indicative layout for the remainder of the site (not subject to this application) indicates that 50 dwellings could be delivered. Whilst this application does not propose to deliver the entire allocation, it has been shown that full delivery is not prejudiced by this application and as such, it is considered that the development is in accordance with the core thrust of the policy.

The application proposes that 5 of the dwellings (25%) would be affordable, in line with Core Strategy Policy CP4. 3 of these would be Social Rented, in line with the Housing Enabling Lead's requirements.

The allocation policy requires the provision of public open space and it is proposed to deliver all of this as part of the proposed development, including a NEAP, LEAP and allotments. In accordance with the policy, access is proposed to this area from the existing track from Plain Pond to the sewage treatment works and this would include provision for vehicular access to the allotments.

The site allocation requires 'improvements to the local road network including the provision of a traffic calming scheme along the new length of road'. The supporting text to the policy indicates that this requires the realignment of Style Road and improvements to the junction of Burges Lane with Ford Road. The Local Plan proposals map indicates that Style Road should be realigned to pass through the development site, effectively bypassing the narrow section to the north of Style Flats.

This application does not propose these works, and the need for them is discussed in the following section of the report. This conflict with the allocation policy is considered to be the most important issue in the consideration of this application.

Site access and impact on the highway network

As noted above, Policy WV1 requires improvements to the highway network and does not specify a timing for these works. In negotiating the S106 agreement for the previous application it was agreed that 20 dwellings could be occupied prior to the completion of the new length of Style Road and the Ford Road junction. This is broadly in accordance with comments made by the Local Plan Inspector when considering the site. The Inspector did not disagree with the Highway Authority's advice that "20 dwellings...could in principle be accommodated without the need for the access road. This background is used as justification by the applicant that the local highway network can accommodate an additional 20 dwellings without a significant impact and accordingly this smaller development should be allowed to proceed without first undertaking those wider highway improvements.

On the contrary, it is argued by others, that the acceptance to delaying the road widening works was purely on development viability grounds rather than the ability of the highway network to satisfactorily absorb the increase in traffic. As such, it is suggested that this was a compromise to allow some development to proceed in order to finance the construction of the road and junction improvements, the works being within 5 years in any case and that the existing highway infrastructure is inadequate to accommodate the increase in traffic resulting from any development.

It is true that the current proposal, being for only partial development of the site, cannot guarantee the ultimate delivery of the road (if the remaining part of the site never comes forward). The application must, therefore, be assessed on the basis of the ability of the existing highway network to accommodate the increase in traffic likely to result from the proposed development.

The Local Highway Authority have assessed the application, taking account of the representations received, and have concluded that the existing highway network is capable of accommodating the likely increase in traffic. It is, therefore, considered appropriate to allow this partial development of the site without requiring the wider highway works detailed in Policy WV1.

The Highway Authority have recommended a number of conditions and a Section 106 obligation. It is clear that they intend the travel plan to include financial obligations, so this is more appropriately included in the Section 106 agreement than dealt with by a planning condition. Their requirement for agreeing the timing and delivery of the first phase of the link road by S106 agreement seems rather meaningless since this road is physically required in order to access the development. It is, therefore, considered necessary only to require detailed approval of these matters. Their requirement for conditions that gradients should be less than 1 in 10 is not necessary given the relatively level nature of the site and similarly the hardstandings of over 6 metres are already indicated on the plans.

The application proposes a total of 56 parking spaces (including garages) for the 20 dwellings and a further 7 spaces for the existing, off-site, Style Flats, which addresses some of the Town Council's concerns. The other concerns of the Town Council and some local residents regarding the timing for the realignment of the Style Road and timings/routes for construction traffic. However, given the proposed road layout, and gently curved alignment into the site it is not considered possible to delay the new junction works until a later phase of development. Controlling construction traffic is not considered to be enforceable.

Layout and Design

The layout is largely driven by the ultimate line of the realigned Style Road, which is proposed to broadly follow the course previously agreed in the 2008 application. Frontage development is proposed along the length of the road; at the western end private drives would provide in-curtilage parking accessed directly off Style Road. At the new junction with the existing narrow section of Style Road, a large, well designed dwelling would provide good road frontage to both roads. This dwelling is also proposed at the eastern end of the site on a junction with one of the shared surface estate roads and pays good attention to both street scenes.

Having been designed along standard highway design principles, the new length of Style Road has the potential to have an engineered appearance, with gentle curves, uniform footways and widened footways to provide good forward visibility around the bends. However, the dwellings are proposed to follow the curves in the road and it is considered that this aspect of the layout is acceptable. Within the development, there is scope to move away from this standard approach, but the majority of this area does not form part of the current application; the exception being the eastern end of the site, which is proposed to be built around two shared surface roads the

each give access to the adjoining public open space.

The proposed development would continue the existing frontage development along style road and this is considered to be appropriate here. However, at the time of writing, the dwelling proposed for plot 1 would overlook 53 Style Road and an amendment has been sought. Other dwellings are sufficiently distanced from the proposed development so as not to be unacceptably affected by the proposals.

The urban design in the shared surface spaces is considered to be weaker, with no clear ethos influencing the design. The submitted design and access statement adds nothing to explain why the site has been conceived as it has. The dwellings are rather haphazardly arranged and provide a substantial amount of 'dead' side elevation and garden wall within the public realm. However, two of the 4 dwellings in each of the areas would front the road and the arrangement provides for two to front the public open space which, along with two that are side-on to the open space provide good surveillance of the area. There is a danger that the detailing in this area will lead to some rather incongruous junctions of materials where the adoptable highway and private drive surfaces join and, therefore, further details should be sought by condition. Given that this area carries the pedestrian routes to the public open space, this is considered to be important.

In terms of detailed design, the dwellings are proposed in a semi-Georgian style, although clearly influenced in terms of their scale by more recent housing development. Georgian-style porch canopies on top of pilasters would accompany windows of a proportion typical of the sliding sashes of this era. The windows, however, would be top-hung casements which is considered to significantly weaken the design and overall finished appearance, with the result that it is neither a true historic pastiche or modern designed and detailed dwelling. The proportions of the dwellings, however, are considered to be well balanced and, overall, are well conceived. Amendments have been sought to remove some slightly odd window detailing to the affordable housing and the new designs are now considered to be acceptable. The use of recon. slate to the roofs is considered to be appropriate for the area and, subject to final details, should achieve an acceptably designed development.

Community facilities and infrastructure

In accordance with Policy WV1, public open space is provided on site in the form of formal and informal recreation facilities and allotments. An initial proposal for a sports pitch on the site has been dropped following discussions that the applicant had with the Town Council, who suggested that additional such facilities were not required in the town. The site itself, therefore, provides adequate outdoor recreation facilities and the delivery of these can be secured by condition, with ongoing maintenance secured via a S106 agreement. Although the applicant has indicated that a LEAP and NEAP will probably be provided in association with this phase of development, the quantum of development proposed only requires a LEAP. Full NEAP facilities can be secured when the later phase is permitted. In addition, contributions have been requested towards community hall improvement in the town.

Wiveliscombe Primary School has sufficient capacity to be able to accommodate the increased number of pupils likely to be generated by the development, however,

there is insufficient capacity for additional pupils at Kingsmead School, so contributions have been secured for the County Council based on the likely number of additional secondary aged pupils.

Other matters

The site adjoins Wessex Water's sewage treatment works, which lie just off the northeast boundary. They have raised concern that the development may be subject to odour nuisance from the works and mitigation may be required. An odour assessment has therefore been carried out. At the time of writing, the report has not been submitted, but the consultant has verbally indicated that odour nuisance is unlikely to be a constraint on the development.

The site proposes to drain to a Sustainable Urban Drainage System (SUDS) incorporating a permanent wet pond in the northeast corner of the site. Neither the EA nor Drainage Officer raise any objection to the proposal, subject to the submission and approval of a detailed surface water drainage scheme and appropriate long-term management. It is considered, therefore, that the development would not give rise to off-site flooding.

The submitted wildlife report indicates that whilst wildlife, including European Protected Bats and Dormouse, use site and vicinity as habitat, this is limited to the site boundaries which, with the exception of the southern site boundary, will not be disturbed by the development. The southern boundary is considered to be low value to wildlife, so its removal is unlikely to have an unacceptable ecological impact. The Biodiversity Officer is satisfied that, subject to the imposition of conditions, the development can be carried out without harming wildlife.

Summary and Conclusions

The proposed development is on part of a site allocated for residential development. Although not delivering the entire allocation, it does not prejudice full delivery and proposes to deliver the full quantum of public open space required by Policy WV1.

The proposal does not deliver the realignment of Style Road or junction improvements at Ford Road required to bring the entire allocation forward. However, the Highway Authority is satisfied that the existing highway network can accommodate the likely increase in traffic from 20 dwellings and on this basis, the development is considered to be acceptable. Subject to some minor tweaks to the layout, the design is considered to be acceptable and, through financial contributions, the development can mitigate its impact on community infrastructure.

In accordance with NPPF guidance that development that accords with the development plan should be permitted without delay, there is no sound planning reason to resist this partial development of the allocated site. It is, therefore, recommended that planning permission should be 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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