

TAYLOR WIMPEY (SOUTH WEST) UK LTD

ERECTION OF 39 DWELLINGS AND ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD

Grid Reference: 316281.128944

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to:

(A) 1. The receipt of amended plans to address officers' requests in respect of alterations to the position of fenestration and design of dwellings;

2. Updated schedule of plans;

3. Modifications to the layout plan to respond to the landscape officer's comments and to re-position the substation and pump house;

4. Submission of a Transport Assessment which addresses the reduction of parking for both West Somerset Railway (WSR) and the Tourist Facilities; and,

(B) The applicant entering into a S106 obligation to secure:

1. 8 affordable homes (prior to no more than 20 open market houses being occupied);

2. Transfer of Land to West Somerset Railway for the provision of tourism facilities related to the functions of a Heritage Railway;

3. Provision of Tourist Information Facility;

4. A commuted sum of £104,832 to provide off-site children's play facilities or securing alternative provision of 760 square metres of play space to include a LEAP within the vicinity. The definition of 'vicinity' would be identified on plan to include the wider area of applications set out in the site history. The phasing would require the play facility or commuted sum to be provided prior to the occupation of no more than 75% of the development.

Recommended Decision: Conditional Approval

The proposed development will bring forward tourist related development which will support the long term aspirations of the West Somerset Railway, a key economic tourism and heritage resource within the Borough, in line with Taunton Deane Local Plan Policy EC22 (Land West of Bishops Lydeard Station), and will also deliver a proportion of affordable housing, for which there is an identified need in the Parish. The principle of the development

has been established by application 06/07/0027. The revised design, layout and landscaping are considered acceptable as an alternative scheme whilst securing the economic and highway benefits in association with the West Somerset Railway.

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 approved plans listed in schedule **[insert name or number of schedule of plans]**.

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

3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development or as agreed in writing by the Local Planning Authority.

The above scheme shall also include full details of the operation and management strategy of the Sustainable Drainage Scheme to be submitted to and agreed in writing by the Local Planning Authority. The strategy shall be carried out in accordance with the approved details thereafter.

Reason - To prevent the risk of increased flooding, to improve water quality to enhance the biodiversity value of the site and to ensure the maintenance of the surface water drainage system in accordance with PPS9 and PPS25.

4. Finished floor levels of the development shall be set no lower than 51.8m AOD.

Reason - To reduce the impact of flooding on the development and it's users in accordance with PPS25.

5. Prior to their installation, details or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority, and retained thereafter.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1 and S2.

6.
 - (i) Before any part of the permitted development is commenced, 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 structural planting along the site boundaries shall be retained and supplemented in accordance with the agreed landscaping scheme and shall be maintained in accordance with a maintenance strategy. The aforementioned strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site and shall also set out the maintenance and management of the grass verges and landscaped areas held in common (as identified on a plan to be submitted to and agreed in writing by the Local Planning Authority).
 - (iii) The landscaping 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.
 - (iv) 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 Local Plan Policy S2.

7. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completely implemented in accordance with a phasing schedule, to be submitted to and agreed in writing, before the development to which that part of the phasing relates is occupied.

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 Deposit Policy S2.

8. Before development commences (including site clearance and any other

preparatory works) a scheme for the protection of trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. Such fencing shall be erected prior to commencement of any other site operations and shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

9. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason – The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

10. No trenching works shall be undertaken within the canopy spread of existing trees unless agreed in writing by the Local Planning Authority. Any trenching works shall be carried out in accordance with the approved details and shall be hand dug with good quality topsoil used to backfill the trench and compacted without using machinery.

Reason - To avoid potential harm to the root system of any tree, leading to possible consequential damage to its health, contrary to Taunton Deane Local Plan Policies EN6 and EN8.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no garage shall be erected on the site without the further grant of planning permission.

Reason - To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling without the further grant of planning permission unless indicated on

the approved plans.

Reason – In the interests of the visual amenity in accordance with Taunton Deane Local Plan Policy S2.

13. 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 policies S1 and EN32 of the Taunton Deane Local Plan.

14. Prior to the commencement of the development hereby permitted full details of the proposed access, footways (to include providing a suitable cross over point to the existing northern footway) and visibility splays from the site onto Greenway Road, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details and visibility splays shall be fully implemented in accordance with the agreed details before any part of the development is occupied and shall thereafter be maintained as such. No further access shall be provided into the site.

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

15. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriage gradients, drive gradients, car parking, street furniture and turning spaces shall be provided and laid out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

* For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted and agreed 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.

16. The area allocated for visitor parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the development is occupied, or as agreed in writing by the Local Planning Authority, and shall not be used other than for the parking of vehicles.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

17. Not more than 50% of the open market housing shall be occupied until the following highway works:
 - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
 - Provision of shuttle traffic signals at the approach to the bridge and

- footway works over the bridge;
- Provision of a new roundabout at the junction of Station Road and the A358.

have been constructed in strict accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

18. No development shall commence until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological assessment and upto date ecological surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stage of development.

2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.

3. Measures for the enhancement of places of rest for breeding birds and bats.

4. Details of a lighting strategy.

5. A landscape and ecological management plan.

Once agreed the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

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.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and enhance the site for wildlife in accordance with PPS9.

Notes for compliance

1. The principles of a suitable surface water drainage scheme has previously been set out and agreed with the Environment Agency in the Flood Risk Assessment (FRA) submitted with the previous application 06/07/0027. In seeking to discharge the surface water drainage condition, these principles should be transposed into a detailed drainage design and confirmation of maintenance responsibilities provided.

2. The applicant is advised to contact the Highway Authority at the earliest opportunity to agree the off-site highway works to avoid any subsequent delay in the development process.

PROPOSAL

Planning permission is sought for residential development comprising 39 dwellings, of which 8 are proposed to be affordable homes on site. This site forms part of a range of wider development proposals previously submitted, and approved, to support the long term aspirations and viability of the adjacent tourist attraction of the West Somerset Railway. The planning history sets out the type and scale of development that has been approved for the wider site.

The original developer, GADD Homes Ltd, went into administration. Taylor Wimpey is now seeking to bring forward the residential element, whilst the enabling elements previously supported will be secured by S106 agreement. This has resulted in a revised internal layout and substitution of houses types. There has been further dialogue and negotiation with the developer to achieve a positive design solution for this site. The developer has been supportive to those requirements; however, at the time of writing, further amendments are awaited. The guiding principles are to provide good design that respects the site's semi-rural position and draws upon the local vernacular. The amendments include: removing horizontal bandings; introducing slate roofs; and, re-positioning of fenestration. The internal layout has also been amended to remove bin storage to the rear, introduce more meaningful landscape provision and address areas of hardstanding.

The main changes to the original scheme relate to the inclusion of the area for Sustainable Drainage, in the form of an attenuation pond(s), to the south east of the development; the omission of the picnic/play area from the application site; reduction to the amount of parking to serve both the tourist and museum land (the parking has now been incorporated into the rear gardens of properties); the provision of a substation and sewage pump station sited on part of the area previously indicated for tourist facilities (but outside the land transferred to WSR).

SITE DESCRIPTION AND HISTORY

The application site, measuring 1.82 ha, lies to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access under the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358. The site currently comprises agricultural fields and a mix of farm buildings.

The wider site, that formed the previous GADDs proposals has been subject to five applications, which following delays due to the developer going into administration and the resolution of technical matters, in respect of ecology and flooding/drainage, have now been consented – 15th August 2011.

Those applications relate to:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

The application now before Members is the residential elements of 06/07/0027 & 042.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – The Parish Council supports the proposal and has the following comments:

- The Council supports the proposals submitted by the Community Development Team and in particular notes that there is no space for a play area indicated in the current plan;
- The Council supports the comments from Natural England and hopes that all ecological mitigation issues proposed are taken on board by TDBC and SCC;
- The Council seeks assurances that the Section 106 agreement is the same as that previously negotiated with Gadd Homes, in particular with reference to the Highway improvements, including the roundabout on the A358 and the proposed works to the railway bridge;
- The Council requests confirmation that both the Section 106 and Section 278 agreements are in place and signed before development starts;
- The Council requests that consideration be given to installation of a railing along the railway bridge to prevent pedestrians from stepping into the road;
- The Council welcomes the social housing portion of the development but notes that at 8 units it is below policy of 25% of the development.

HIGHWAY AUTHORITY – The site is situated on the south-west edge of Bishops Lydeard adjacent to Station Road, Bishops Lydeard and the Greenway housing estate.

This application generally replaces Applications 06/07/0027 and 0042.

The majority of is allocated in the Taunton Deane Local Plan for recreation and tourist development. However, some of the site is outside of the Local Plan area and

there is no provision in the plan for residential development. It is therefore a matter for the Planning Authority to decide whether or not the proposal is compliant with the Taunton Deane Local Plan. From a transportation viewpoint, it is on the edge of the village and generally not placed to encourage travel by modes of transport other than the private car. The principle of development on this site was however established by the resolution to grant permission of the previous applications on this site.

From a highway and transport viewpoint there are several issues to be considered in terms of highway infrastructure. In particular, the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the railway bridge and junction of Station Road with the A358.

1. The site access onto Station Road is appropriately sited and has adequate visibility splays. Subject to minor alterations in its geometry and the extension of the southern footway to form a suitable crossover point to the existing northern footway, the access is acceptable. Conditions will need to be attached to any consent requiring its provision prior to the occupation of any of the development on site. The following condition will also be required to secure the appropriate internal estate road details:

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

2. Station Road, and in particular the bridge over the West Somerset Railway, is hump-backed and inter-visibility between the oncoming traffic is poor. There is no footway on the south side of the bridge from which access to the station platforms is provided via steps. The absence of a footway raises safety concerns for pedestrians using the steps and the bridge to cross over the railway. In order to overcome this, it is recommended that traffic signals should be provided on the railway bridge to restrict traffic flow to single-way working. This will allow sufficient width for a new footway and prevent parking of vehicles on the bridge. It also overcomes the inter-visibility issues on the approaches to the bridge.

3. The junction of Station Road and the A358 has also been considered both in terms of capacity and highway safety. It is clear from the analysis provided that there are no significant capacity issues at the junction, and therefore any improvements required are based on the existing accident problem at the junction and the potential for further accidents should the development proceed. Discussions have taken place with the applicant and his consultants, where alternatives for junction improvements have been considered. Taking account of all the issues, a proposal for a roundabout junction has been received and evaluated and it is considered that this is the only solution which will both reduce speeds on the A358, and overcome the existing accident problem at the junction. The roundabout is currently being designed in detail. The internal layout differs from that shown on the plans in relation to previous applications. The internal layout details are currently

being considered by my colleagues and I would hope to let you have detailed comments on these prior to the Committee date.

In conclusion, therefore, I do not propose to object to the proposal subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the following:

1. The provision of a roundabout at the junction of the A358 and Station Road. Detailed discussions are ongoing with the developers' highway consultants to agree a detailed design.
2. The provision of shuttle traffic signal installation on the West Somerset Railway Bridge.

Should it prove necessary for Somerset County Council not to be a party to the Section 106 Agreement then the agreement should require the applicants to enter into a further Section 278 Agreement with the Highway Authority to ensure adequate and timely completion of the offsite highway works. In addition the following conditions should be attached to any consent which may be granted:-

1. No development shall take place until detailed plans showing works to form a site access and visibility splays onto Station Road, Shuttle Signals and Footway Works over the railway bridge, a new Roundabout at the junction of Station Road and the A358 shall have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
2. No more than 50% of the dwellings hereby approved shall be occupied until the works approved in Condition 1 above shall have been completed to the satisfaction of the Local Planning Authority and Somerset County Council and open to traffic.

NATURE CONSERVATION & RESERVES OFFICER - The proposal is the development of 39 houses together with associated parking, access and landscaping at station farm, Station Rd, Bishops Lydeard.

EAD Ecological consultants carried out an ecological assessment of the site in July 2011. This assessment includes an extended phase 1 habitat survey and several Phase 2 surveys. Surveys by DWC undertaken in 2007 and 2008 have also been reviewed. No updated dormice survey was undertaken, although requested. Presence of dormice was established in 2008. EAD took the view that as the habitat has remained the same then it is still likely that dormice will be present on site. Findings of the report were as follows

Bats - Three soprano pipistrelle bats were recorded entering one of the buildings on site to be demolished. Due to the low numbers the surveyor concluded that the roost was likely to be a non maternity summer roost. A licence will be required from NE to destroy the roost. Five trees were recorded as having moderate to high potential to support roosting bats. At least seven bat species (common pipistrelle, soprano pipistrelle, myotis, noctule, lesser horseshoe and barbastelle bats) were recorded within the site. In addition daubenton bat was recorded foraging over the pond to the SW. I support the surveyor's enhancement proposals for bats in the form reinforcement of hedge lines and the provision of bat boxes and raised roof tiles.

Birds - The hedgerows and trees on site provide suitable nesting and foraging habitat for birds and so hedgerow removal will have an impact on birds. Two of the buildings on site accommodated nesting swallow. Bird boxes are proposed as mitigation. I agree that site clearance should take place outside of the bird nesting season

Badgers - The surveyor found no evidence of badgers within site although badgers have been recorded in the study area.

Dormice - The dormice surveys undertaken in 2008 confirmed the presence of dormice on site. The removal of hedgerows would impact on dormice and so an EPS licence is required. I understand that the applicant intends to apply for a licence immediately (If a licence is applied for in 2012 instead of 2011 further dormouse survey is likely to be required.)

Initially the applicant had not submitted sufficient detail for me to make an assessment of the impact of the development on FCS for dormice. On receipt of further detail of proposed mitigation, I now consider that FCS for dormice can be achieved.

Reptiles and amphibians - Slow worms and common lizard were recorded along field margins and along the stream. I agree that stream alignment will have an impact on these species but that the new SUDS feature will provide new habitat.

Great crested Newts - The pond located 100m to the south west was considered by the surveyor to be below average suitability for GCNs. The pond was however considered suitable amphibian breeding habitat whilst hedgerows and species poor grassland were considered to be suitable foraging habitat.

Invertebrates - The surveyor considered that the stream with associated riparian margin and hedgerows was likely to support a range of invertebrates.

Otters - No evidence of otters was recorded although it was conceded that otters could occasionally forage on site. Prior to the clearance of vegetation, a survey of the stream should be undertaken to establish the presence of otters. If these are found a EPS licence may be required.

Water voles - The stream provides a foraging and movement corridor for water vole and so I support the proposal for further survey prior to construction of the SUDS feature.

It is recommended that a condition be imposed requiring a strategy to protect and enhance the development for wildlife. In addition a number of informative notes be imposed.

NATURAL ENGLAND – The information supplied in the ecological reports on your website confirms the proposal will impact upon slow-worms, bats, water voles, reptiles and dormice and an ecological mitigation strategy for the species is needed and must be sufficient to avoid adverse impacts.

Taunton Deane Borough Council also needs to make an assessment of the

favourable conservation (FCS) status of the dormice and bats on this site and whether or not Natural England will grant a license. This assessment must be undertaken before the application is determined and should be informed by the dormice and bat data supplied to you by EAD Ecological Consultants. I spoke to the Council's Nature Conservation Officer last week and I understand, after her recent site visit, she has enough information to assess the impact of this development upon the FCS of the European Protected Species on the site.

LANDSCAPE OFFICER – There is a difference between the layout of the car parking for housing 1-10 on the landscaping and general layout. My preference is for the landscape scheme layout which is a much more sympathetic layout and includes areas of shrub and tree planting rather than an area of just tarmac.

Species *Castanea* and *Ulex* need to be removed and replaced with *Quercus robur* and *Viburnum opulus*.

Plots 2 and 16 are too close to the existing hedgerow and should be no closer than 2m.

Path surfacing within 2 metres of the hedgerows should be accompanied by construction details and method statements.

Plot 37 on the road frontage should retain the existing hedgerow as on the approved scheme,

The areas set aside for ecological planting should be accompanied with a longer term management plan. It is important that this area is either managed by a management company or committed to the Council and not passed into private ownership.

I recommend hedgerow planting on the south-eastern boundary of the site rather than just meadow planting as this will provide some landscape mitigation.

Revised Comments - 12.09.11 Plots 16 and 27 are too close to existing hedgerows and should allow at least 2m clearance from the bank of hedgebanks. Hedgerow protection fencing should be at least 2m from base of hedgerows and not as drawn. Tree protection should follow RPA guidance not as drawn. The roadside hedgerow should be reinstated behind the visibility splay and not left open. I recommend two *Amerlanchier Lamarckii* in the north east garden of the front plot.

Otherwise the proposals are fine.

COMMUNITY DEVELOPMENT SERVICES - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

20 square metres of equipped play space should be provided for each additional 2 bed+ dwelling. On this site with 38 x additional 2 bed+ dwellings 760 sq.m of play space should be provided to include a LEAP. The play space should be designed to the principles outlined in the Council's Play Policy and the Council's Parks

Department should be asked to comment on the layout of the play space. The play area should also be in the centre of the site, overlooked but at least 5.0m from the nearest dwelling.

A contribution of £1454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation. The contribution should be indexed linked.

A contribution of £194.00 per additional dwelling should be sought for allotment provision along with a contribution of £1033.00 per additional dwelling towards local community hall facilities.

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 of 1% of the development costs.

HOUSING ENABLING LEAD – The housing enabling officer supports this application on the basis of need and not the suitability of the site.

The requirement is 35% of the units to be affordable but only 8 units have been offered. This site is required as enabling development and the provision of the 8 units is welcome.

DRAINAGE OFFICER – I note that in the application detailed reference is made to surface water disposal being made by the use of a sustainable drainage system. However, no details of how this is to be achieved have been included.

In the drainage and services statement reference is made to a 'storm water drainage strategy within the flood risk assessment produced by Hydrock dated July 2011' again this report has not been included.

Details of how surface water disposal is to be dealt with should be forwarded for approval. This should include details of any ongoing maintenance / ownership issues.

Till such time I have to object to the application.

Revised Comments (14-09-11) - I am now in receipt of the requested FRA produced by Hydrock dated June 2011. I also note the comments made by the EA dated 18 August 2011 following separate discussions they have had with the applicant's agent. I can now remove my objection subject to the endorsement of the points/required conditions made by the EA.

ENVIRONMENT AGENCY – No objection subject to the imposition of conditions and informative.

DEVON & SOMERSET FIRE SERVICE – Means of Escape - Means of escape in case of fire should comply with the Building Regulations 2000 and as such should

satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.

Access and Facilities for the Fire & Rescue Service - Access and facilities, which should where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

POLICE – PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places, The Planning System and Crime Prevention'. The Planning Statement (assuming this is meant to be the DAS) does not do so.

Bishops Lydeard is considered to be a low crime area.

The layout appears satisfactory in that the majority of dwellings are positioned to face one another to allow neighbours to watch over each other and create conditions which will make the potential offender feel liable to detection. The cul-de-sac design also has some advantages in that it can help frustrate the search and escape pattern of the criminal. Where it is desirable to limit access to residents and their visitors, changes in road surface textures can help define defensible space by creating the impression that the area beyond is private, as would appear to be proposed in certain areas of this development.

Enclosures – the proposed dwelling enclosures i.e. 1.8m closeboard fencing and walls for rear side boundaries are appropriate, as are the lower walls/fencing to the front of dwellings. These boundary treatments should provide adequate security for the more vulnerable side/rear of properties, whilst the lower boundaries at the front provide good resident surveillance of the street. Gates providing access to rear gardens should be the same height as the fencing and lockable. They should be located on or as near to the front building line as possible to avoid recessed areas/potential hiding places.

Car parking – the majority of parking areas to be in garages within dwelling curtilages or on hard standings to the front of dwellings within sight of the owners, which are the recommended options. I have some concerns regarding the security of vehicles parked in the visitor's parking area adjacent to Plot 1, as these parking spaces seem to be subject to very limited resident surveillance. I recommend that these parking spaces be relocated to an area with better surveillance.

Planting & Landscaping – where good visibility is needed, shrubs should have a mature growth height of no higher than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision.

Street Lighting – for adopted highways and footpaths, private estate roads and car parking areas should comply with BS 5489.

Physical Security – the applicant is advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc, in accordance with the police approved 'Secure by Design' award scheme, full details of which are available on the Secure by Design website.

QUANTOCK HILLS AONB SERVICE – The Quantock Hills AONB does not wish to make detailed comments in respect of the above planning application but we are concerned to seek reassurance that views of the proposed development have been considered from the Quantock Hills AONB. Given the proximity to this nationally protected landscape (which is characterised by areas of high ground offering views across to Bishop's Lydeard) we are very concerned to ensure that there are adequate landscape mitigation measures in places that will soften the impact of new development in views from the Quantock Hills.

Please note, a recent planning application for ground-mounted photovoltaic arrays was approved close to this application site and this was judged by consultants undertaking the landscape assessment not to be visible from Cothelstone Hill. These pv panels have now been erected and are visible from Cothelstone Hill. With this in mind, we seek assurance that the potential visual impacts of the proposed housing development in this location will not be underestimated, and will be thoroughly assessed.

WESSEX WATER – We have previously assessed this site and can confirm two possible options for connection:

Possible gravity connection to Bishops Lydeard, Greenway Pumping Station. This option would require further appraisal to confirm possible uprating of pumps, rising main and additional storage. This would be at the developer's cost.

Pumped connection direct to Sandhill Sewage Treatment Works at the developer's cost.

These options are based upon domestic foul flows from 39 dwellings. If flows increase further appraisal of Sandhill Sewage Treatment Works would also be required.

Surface Water is to discharge to the land drainage system in accordance with PPS25.

There is adequate capacity within the water supply network to accommodate the proposed development without the need for off site reinforcement.

SCC ARCHAEOLOGY - As far as we are aware there are limited or no archaeological implications to this proposal.

CONSERVATION OFFICER - No further observations to make.

Representations

25 letters of OBJECTION have been received. Summary of OBJECTION:

- Outside of the settlement boundary;
- Detrimental to the rural character and appearance of this Greenfield site;
- Loss of agricultural land – food security;
- Overdevelopment;
- Experience tells that landscaping proposals tend to be destroyed with inadequate replacements;
- Detract from the historic setting of the WSR station and adversely affect the attractiveness of the main attraction in the Borough; One side is already blighted by the industrial estate;
- Unsuitability of the existing highway network - Additional traffic on Station Road, the railway bridge and the junction with the A358, which is already signposted as an accident black spot;
- There should be a roundabout at the junction with Greenway Road to provide a safer access;
- The bridge is not strong enough;
- Impact of traffic on nearby settlements;
- Traffic lights not appropriate in such a rural location;
- Are there any plans for traffic calming?
- Lack of visibility;
- The requirements for signalised junctions and a roundabout acknowledges the hazard that an increase in traffic will cause;
- Application omits the requirement to make good the deficiencies in the offset junction of Station Road and the bypass;
- Potential for large tailbacks due to the traffic lights on the bridge;
- There is already an abundance of unsold properties;
- There are other more suitable areas such as Sandhill Park;
- Impact on residential amenities of existing residents;
- Lack of affordable housing;
- Inadequacy of communal play areas;
- Additional pressures on the local school, doctors surgery, sewers etc;
- Local Plan identifies this area for leisure and tourism purposes – not residential;
- Further residential development will follow leading to coalescence between Bishops Lydeard and Cotford St Luke;
- Loss of hedgerow and wildlife habitat;
- Increased pollution;
- Increase traffic and amenity problems during construction;
- Site is on a floodplain;
- Residents will probably complain about the noise and smoke from the WSR;
- Tragic to see the erosion of Greenfields in the countryside;
- There must be a radical change to the planning system where logic not just economic growth is put forward;
- Britain is becoming a land of concrete, look at Norton Fitzwarren the village has now been totally destroyed;
- This proposal will see the same policy repeat itself;
- This development is driven by money, whilst local residents lose their chosen

- village lifestyle;
- Proposals must look at improving individuals lives – economic growth is not a measure of living happily;
- We need to stop increasing the population of places;
- We need to look at re-developing existing eyesore environments and not greenfields;

3 letters of SUPPORT have been received. Summary of SUPPORT:

- Development is needed in conjunction with the railway;
- Proposal will enable the WSR to purchase land for the storage of the railways increasing stock, allowing greater flexibility in the running of the railway;
- WSR is a major tourist attraction, bringing in significant financial and social benefits to the area, as well as helping to provide extra employment and volunteering opportunities;
- Housing (both social and private) is much needed;

WEST SOMERSET RAILWAY support the proposal. Comments as follows:

I am writing this letter on behalf of the West Somerset Railway plc in support of the development of land at Station Farm, Bishops Lydeard by the developers, Taylor Wimpey UK Limited. This development is important to the future of the West Somerset Railway and is closely linked with plans to develop tourism and museum facilities at Bishops Lydeard Station through the onward sale of part of the land to the railway by Taylor Wimpey UK Limited. New railway facilities may include other land uses associated with accommodating the needs of visitors and / or the operation of the railway. The repair and restoration of locomotives, rolling stock and other equipment used in connection the running of the railway can be placed on public display to railway visitors clearly demonstrating the functions and activities of a Heritage Railway in pursuit of its every day business needs.

The West Somerset Railway plc has been consulted by Taylor Wimpey UK Limited through out this process and Taunton Deane has monitored developments so that the railways interests are maintained.

5 letters of NO COMMENT have been received.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS 5 - PPS5 Planning for the Historic Environment,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG 12 - Highways,
 STR1 - Sustainable Development,
 STR3 - Rural Centres and Villages,
 STR5 - Development in Rural Centres and Villages,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP9 - S&ENP - The Built Historic Environment,
 S&ENPP22 - S&ENP - Tourism Development in Settlements,

S&ENPP23 - S&ENP - Tourism Development in the Countryside,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP39 - S&ENP - Transport and Development,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S4 - TDBCLP - Rural Centres,
S7 - TDBCLP - Outside Settlement,
H11 - TDBCLP - Rural Local Needs Housing,
EC7 - TDBCLP - Rural Employment Proposals,
EC13 - TDBCLP - Restrictions on Unit Size and Range of Goods Sold,
EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,
EC21 - TDBCLP - Tourist and Recreational Development,
EC22 - TDBCLP - Land West of Bishops Lydeard Station,
EC23 - TDBCLP - Tourist Accommodation,

DETERMINING ISSUES AND CONSIDERATIONS

The primary considerations relate to the policy implications of the development; design and layout; highways; and, ecological impacts.

Policy

The principle of residential development has been established by the concurrent consent(s), which accepted the need to provide residential development to secure, as part of a mixed use scheme, the adjoining land for the WSR tourist facilities on a viable basis. The numbers of dwellings proposed are in line with those previously approved. The following benefits will be secured through a S106 agreement: -

- Affordable housing provision of 8 dwellings;
- The developer is required to offer the adjacent land referred to as the 'tourism land' to the West Somerset Railway for a nominal fee and the museum land for £50,000. There would be a covenant on the land that it shall only be used for purposes associated with the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility;
- Contributions to and children's play area or provision within the locality.

In addition, the following highway improvements are to be secured through a Grampian highway condition prior to the occupation of no more than 50% of the open market housing:

- Improvements to the junction of Greenway/Station Road to include yellow lining of the bridge approaches;
- Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;

- Provision of a new roundabout at the junction of Station Road with the A358.

The transfer of land to WSR will support long term objectives of the railway in bringing forward their proposals on a viable basis. The enabling works, above, were previously supported and secured by S106. Those elements will once again be secured.

The main change to the scheme, other than an assessment of the design and layout, relates to the loss of parking and play area (which is now outside of the red line). In respect of parking there is a condition imposed requiring that parking be provided before the tourism and museum land applications are brought into use. The current scheme reduces a reduction in parking for both the WSR and the tourist facilities from 51 spaces, including 4 disabled spaces, to 8 spaces, including 2 disabled. The Secretary for the WSR has confirmed that they do not require additional parking in the position previously identified at this stage, but parking is part of an ongoing review.

It is noted that in terms of viability the market has dropped since the original submission and there needs to be a balance regarding bringing forward residential development, on the basis of that proposed, to secure the main planning gain i.e. the transfer of land, affordable housing and tourist information centre. At the same time, it is fundamental that the WSR and are not prejudiced in their ability to bring forward tourism development on the remainder of the development site. The Highway Authority does not raise any comments on the loss of parking. The developer has been requested to submit an assessment of parking provision.

The other main revision is the exclusion of play area from the residential scheme. This play area was previously sited in close proximity to the WSR proposals and included a large picnic area. The developer now proposes that either off-site contributions will be provided (in which case the existing Council owned play area is being assessed to see if it can be upgraded) or an alternative play area will be provided within the local vicinity. This will be secured by S106 agreement. Discussions are ongoing.

Design and Layout

This scheme seeks to modify the previous layout and also the design and appearance of the dwellings. This site is important in terms of its rural setting and development should play a positive role and respect its environs, drawing upon local distinctiveness. This site will be highly visible to the public and tourists using the railway. In terms of guiding principles, the scheme now incorporates slate as a roofing material (50% of the development), the remainder being tile. The elevations have been amended to provide a traditional and simple vernacular with either brick or render external finishes. There have also been revisions (agreed in principle - awaiting revised plans) to the position of fenestration to provide a more balanced façade. The developer has been supportive of the changes sought. The development provides a mix of house types and designs. It is considered that the development will have no greater impact on the wider landscape or setting of the Listed Buildings than the extant scheme. The proposed dwellings are considered to be more sympathetic and draw upon local materials and design.

There are a number of properties that are served by garaging to provide off street parking; however, there are some areas of parking to the front of properties. The

developer has introduced an element of landscaping to break up the areas of hardstanding where this occurs. The boundary treatment to the front of properties features railings on dwarf walls. Overall the layout and design and appearance of the dwellings are considered to be acceptable. The provision of new structural planting along the boundaries of the site will help to assimilate the development into the wider environs.

Highways

The County Highway Authority does not raise any objection to the development. However, the officer does raise several points for consideration. The main concern relates to the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the Railway Bridge and junction of Station Road with the A358. To overcome highway safety concerns in terms of both vehicular and pedestrian safety it is recommended that traffic signals should be provided on the railway bridge to restrict traffic flow to single-way working. This will allow sufficient width for a new footway and prevent parking of vehicles on the bridge.

The Highway Authority confirms that there is no capacity issue at the junction of Station Road and the A358. However, improvements are required on the basis of the existing accident problem at the junction. The agreed solution is for a roundabout.

The Highway Authority have requested that both the roundabout and signal works are secured by S106 and all details for such works to be agreed by the Local Planning Authority prior to commencement of development. It was previously agreed with the Highway Authority that such works would be secured by Grampian condition. It is therefore unreasonable to seek a S106 agreement at this time. In respect of the timing of the submission of plans, it is considered that as the trigger for providing such works is 'no more than 50% of the open market housing' that it would be unreasonable to require such detailed technical drawings before development commences. The developer is keen to undertake the ecological mitigation strategy this year and any further unnecessary delays will impact on the timing of the land being offered to WSR. It is considered the proposed Grampian condition will secure the required off-site highway works at the required timing of works. In terms of the S278 agreement the developer will be required to enter into such an agreement in order to carry out the required off-site highway works. It is not therefore necessary to condition that the developer enters into such an obligation.

Ecology

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, the European Protected Species of the dormouse will be directly impacted upon by the proposal, and as such requires specific consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows. In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its

Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed development is considered to be in the public interest in terms of providing an enabling development to support the tourism and economic benefits of the West Somerset Railway and the Borough economy. The proposed would also provide additional housing. It is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

This development is only coming forward on the basis that it is enabling development in connection with the West Somerset Railway. Policy EC22 supports part of the site for tourist related facilities. However, in order to provide the transfer of the land to the railway and provide the off-site highway works further enabling residential development is required.

(iii) That the Favourable Conservation Status FCS can be maintained

It is considered that the impact on wildlife can be adequately mitigated and that the draft principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

Other Matters

In respect of surface water drainage both the Drainage Officer and Environment Agency are satisfied with the proposal subject to the imposition of appropriate conditions.

Conclusion

The revised scheme would bring forward the development and enable the transfer of land for tourism uses to the WSR. The previous scheme was supported to enable tourist related development to come forward on a viable basis. Those benefits will be secured by S106 agreement and conditions.

The final make up of the tourist facilities on what is referred to as the 'tourism and museum land' on the transfer of ownership to WSR is still to be finalised. WSR will make their own submissions upon the transfer of land at which point they can

undertake to raise funding for the development. Such enabling schemes require careful consideration in the balance of providing public benefit, in this case supporting the Borough's economic and heritage tourism asset, and allowing the minimum residential development to secure those benefits in this location. The principle and policy considerations have previously been accepted and concurrent permissions have been consented within the last month. The revisions to the design, layout and landscaping are considered to be acceptable set against the context of the existing consent. The proposal is therefore supported subject to the requirements set out in the recommendation.

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

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