

SUMMERFIELD DEVELOPMENTS (SW)LTD

OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF 100 AFFORDABLE DWELLINGS WITH ASSOCIATED SITE WORKS ON LAND NORTH OF LADYMEAD COMMUNITY SCHOOL, CHEDDON ROAD, TAUNTON

Grid Reference: 322935.127195

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the satisfactory resolution of the outstanding issues regarding:

- Protected species on site.
- The detailed comments of the Housing Enabling Lead,
- The detailed comments of the County Highways Authority,

and the applicants entering into a legal agreement to secure:

1. An appropriate mix of 100% affordable housing as identified in the report below,
2. Off-site landscaping and planting as identified in the Hestercombe House SAC test of significance,
3. A phasing of works as identified in the Hestercombe House SAC test of significance,
4. Any other outstanding issues that are appropriate and identified in the outstanding consultation responses.

RECOMMENDED CONDITION(S) (if applicable)

- . As detailed consultation responses are outstanding at the time of writing, precise wording of planning conditions is still to be agreed. If Members are minded to grant planning permission it would be necessary to condition the following matters:

Time limits for implementation of the development,
List of approved plans,
Submission of materials,
Landscaping and subsequent maintenance,
Details of an appropriate surface water drainage system,
Biodiversity mitigation,
Travel plan,
Highways conditions,
External lighting,
Finished floor levels.
Boundary treatments

Notes for compliance

PROPOSAL

This application is for outline planning permission for the erection of 100 dwellings comprising:

- 8 x two-bedroom, three-person houses.
- 22 x three-bedroom, five-person houses.
- 44 x two-bedroom, three-person apartments.
- 20 x one-bedroom, two-person apartments.
- 6 x one-bedroom, one-person apartments

The application is the larger proposed development of 100 dwellings and includes the 27 dwellings submitted as application 08/10/0008. The proposal is on land to the north of Ladymead School and Wellsprings Leisure Centre. Access to the site would be off Cheddon Road with a main spine road running through the site, partly along the line of an existing water main.

The principle of developing this site has been discussed for a number of years and (from a developer perspective) was originally based on the concept of the £60,000 house. Although not completely falling within the PPS3 definition of affordable housing, the proposal is aimed towards providing intermediate housing for non-homeowners. The detailed application for 27 proposes:

- 8 x intermediate/social rented houses (2B 3P)
- 9 x discounted open market houses (3B 5P)
- 10 x low cost by design apartments (eight x 2B 3P and two x 1B 2P)

The exact mix and tenure types for phases 2 and 3 that form part of the outline application is not known at present but would need to be resolved should planning permission be granted.

Due to the application site being identified in the Habitats Regulations Assessment (HRA) for Hestercombe House SAC, revised landscaping plans and proposals have been submitted to mitigate and offset the loss of habitat for lesser horseshoe bats. This includes a 20m wide landscape buffer around the entire site, off site planting and the creation of a community orchard on land immediately to the north of the site.

SITE DESCRIPTION AND HISTORY

Site Description

The site is at the northern end of Cheddon Road between Ladymead School and Pyrland Hall Farm. The field rises to the north with a slight shallow in the centre.

A 2 metre high hedgerow separates the site from Cheddon Road and there are three trees on the southern boundary. The site crosses two fields that are spattered by an unnatural boundary (a fence line with no hedge).

The site is outside of the defined development limits for Taunton that have been

identified in the Local Plan and emerging Core Strategy.

Relevant Planning History

The site was previously identified as part of a larger search for developments on the edge of Taunton that could be developed for affordable housing in a similar manner to rural exception proposals.

This application was submitted in conjunction with a detailed development of 27 dwellings (application 08/10/0008) and both applications have been processed and considered in together as the issues are clearly linked.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – initially had no objection in principle but raised concerns about:

- Transport Statement did not include accident data for the site.
- Need to consult the traffic signals team regarding impact on vehicle movements at the Cheddon Road/Priorswood Road signalled junction.
- No detailed Travel Plan submitted with application.

[An addendum to the submitted Transport Statement to address the above issues has been submitted and the further comments of the County Highway Authority are awaited]

CHEDDON FITZPAINE PARISH COUNCIL – object

- Too high density of building homes.
- Not enough parking spaces
- Additional traffic to Ladymead and sports centre onto busy road
- Loss of greenfield site on edge of town
- Loss of green areas around listed buildings of Pyrland Hall and the farm

WESSEX WATER – initially identified the need for a 10m easement for the water main that crosses the site (5 metres either side of the water main)

SCC - ECOLOGY – initially objected as the proposal did not accord with the habitat Regulations.

Revised comments on submission of amended plans

The proposal would not have a significant effect on the European site provided that the development site is assessed by the same method as other developments north of the A3259 carried out in the HRA of the Hestercombe House SAC (Somerset County Council, 2009). This methodology has been agreed by Natural England.

On Site Mitigation

- A 20 metre wide buffer of woodland planting for the length of the western and northern edges of the application site. Part of the woodland buffer will be set

upon an earth bund which will increase its height and enable earlier functionality to be achieved. A map and details of the planting schedule and layout can be found in Appendix 1.

- Woodland buffers may not be artificially lit. Each of these sites must have street lighting that is directed away from the woodland buffer in order that it is kept dark.
- Any paths through the woodland buffer are constructed at an angle, i.e. not straight through the buffer planting, and without lighting. Any cycleway/footpath must be a maximum of 3 metres wide.
- Street lighting will be set at the minimum height permissible of 5 metres and be directional away from the site boundary. They should not be of the white mercury vapour or high-pressure sodium types. It is recommended that advanced forms of street lighting be used, such as LED, highly directional, and/or light on demand.
- No development on site further to that in Phase 1, as shown on the application plan, will be permitted until the woodland buffer, as shown in Appendix 1, is functional. The criteria for 'functional' has been agreed with Natural England as when 40% of trees have reached a 5.5 metres in height including the height of the earth bund before the commencement of Phase 2 of the development on site, as shown on the application plan.

Offset Planting

In order to compensate for loss of feeding habitat offset woodland planting is required, as for other sites assessed in the HRA for Hestercombe House SAC. For detail of the methodology see the HRA of the Hestercombe House SAC (Somerset County Council, 2009)

The area required by way offset planting for the development to be permitted is 1.22 hectares. This will be planted as part of Phase 1 of the development.

The offset habitat shall be functional before Phase 3 of the development (or Phase 2 if the development is in two phases), as shown on the application plan, can commence on site. The criteria agreed with Natural England for considering planted woodland habitat to be functional for off site offset habitat creation is:

- Canopy cover of between 75% and 90% (Knight, 2006).
- Diameter at breast height (dbh) of trees on site to meet requirements for habitat conditions for lesser horseshoe bats. [Min. 25dbh to max 40dbh with about 3 metres between understorey and lower branches. (Holzhaidner *et al*, 2002)].
- Presence of lesser horseshoe bats recorded (using an Anabat detector) - present in 3 months of the summer period (May to September)

However, it has been agreed that as an alternative to the functionality criteria set out above an increased offset ratio will apply of 4:1. In addition the developer will plant an orchard of 0.32 hectares immediately to the north of the site. Planted trees will be the largest available.

For the purposes of calculation of the amount of offset habitat planting required it is considered that part of Field's 1 and 3 are Combined Area.

It is concluded that there would be no significant effect as a result of granting the

planning application on the SAC provided the applicant adheres to the mitigation measures and off set planting set out above.

ENVIRONMENT AGENCY – object

The submitted information shows that surface water drainage will be disposed of to the existing water sewer via a storage tank . Within the submitted FRA, options for SuDs have been discussed and it has been shown that infiltration is not a viable option given the underlying geology. However none of the SuDs considered suitable in Section 5 of the FRA have been proposed in the latest drainage layout. Underground tanks and pipes do nothing to address water quality and have no amenity benefits, there are also difficult to maintain and are therefore much less sustainable than other techniques. PPS25 makes it clear that on a Greenfield site of this scale, opportunities for SuDs should be identified and encouraged.

DRAINAGE ENGINEER – comments

A full drainage strategy should be forwarded for approval before any works commence on site and it should include the following:

5. A detailed design,
6. Details of the proposed maintenance regime of any SUDs system. This should identify the ownership, operational and maintenance agreements for these works over the lifetime of the scheme.
7. A drainage survey showing the agreed point of connection together with condition and capacity checks for the onward drainage system.
8. I note that exploratory tests have been carried out which apparently indicate that disposal of surface water into the underground strata on site may not work. Details of these tests should be forwarded.
9. I note in the FRA (4.4. History of Flooding) a comment is made that TDBC have been contacted and there are no records of flooding in the immediate vicinity. No knowledge of any enquiry is recorded.

It is also noted that in the drainage report (1.2 level 1 Flood Risk assessment) that no correspondence has been exchanged with TDBC

All of the above should be made conditions of any approval and will require this officers approval before works commence on site.

CONSERVATION OFFICERS – no observations

LANDSCAPE LEAD – initial comments raised concerns regarding structural planting issues on outline application and considered landscaping proposal are acceptable subject to moving the development away from the southern boundary.

Revised comments on submission of amended plans

Generally the proposals are acceptable but I would like to see more space (at least 2 metres) from the existing hedgerows to the car parking and more copse planting within the landscape amenity space to the north.

HOUSING STANDARDS OFFICER - no observations

SCC - *CHIEF EDUCATION OFFICER* – no comments on application for full planning permission but comments on outline application for 100 dwelling request:

- Financial contribution for primary school education – 20 spaces at £12,257 per space = £245,140

Secondary school education in the area is anticipated to have capacity to accommodate additional demand

LEISURE DEVELOPMENT MANAGER - request a contribution of £1100 per dwelling for active outdoor recreation and a contribution of £2,200 for each 2 bed + dwelling should be made towards children's play provision.

NATURE CONSERVATION & RESERVES OFFICERS – initially requested further survey work prior to determination and that TDBC carry out a Test of Significance to determine if the development will have any adverse affects on the Hestercombe SAC.

Revised comments on submission of amended plans and Greater Crested Newt Survey

Further to comments made previously on these applications and comments made at the meeting held in April 2011, I have the following observations on the Great crested Newt survey submitted by Devon Wildlife Consultants in June 2011.

The GCN survey was undertaken in June 2011 by Devon Wildlife Consultants because the extended Phase 1 habitat Survey (2009) identified suitable habitat for GCN (species rich hedgerows, areas of grassland and a number of ponds to the west of the site). SERC identified three records of GCN including one from the nearby Ladymead School.

The surveyor checked all six ponds within a 300m radius of the site .At the time of initial survey three of the ponds were dry so survey effort was focussed on the remaining three ponds. .

The survey recorded nine individual GCN indicating a **good population** of GCN. There is also a good population of smooth newts present.

These two populations of amphibians are breeding within three ponds that lie a minimum of 150 m NW and W of the site. In addition the proposal site is surrounded by habitat that is considered suitable for hibernating and foraging GCN with good habitat linkages.

As the development involves the loss of improved grassland and the loss of hedge bank adjacent to Cheddon Road, an offence would be committed under the Habitat Regs and so I agree with the surveyor that an EPS licence will be required to carry out the development.

Generally I support recommendations made in the report to minimise harm to GCN, and compensate for loss of habitat but consider that more detail is required. This is necessary to assure the LPA that favourable conservation status can be achieved for GCNs.

The location of the receptor site for GCN needs to be agreed prior to determination as does the location of the new pond(s). Consideration should be given to the creation of several GCN hibernacula on site

I welcome the revised layout plan (07.64.35A) showing the 20 m buffer zone around the development and 0.32 ha of community orchard but consider that southern boundary hedge should be reinforced to improve corridors for GCNs.

I agree with the surveyor that consideration should be given to translocation of the hedge along Cheddon Road to provide continued availability of habitat for GCN as well as dormice.

Mitigation and habitat enhancement should be carried out prior to the commencement of any development.

I welcome the results of the dormouse survey which is also required prior to the determination of these applications .

NATURAL ENGLAND – initially raised concerns and stated that as the proposal will impact upon Hestercombe House SAC a site that has been adopted by the European Commission and formally designated by the British government, NE advises that as a competent authority for this proposal Taunton Deane Borough Council must carry out a Habitat Regulation Assessment (HRA) before this application is determined.

Revised comments on submission of amended plans

Natural England fully support the comments made by Barbara Collier, Taunton Deane Borough Council's Conservation Officer in her response dated 15 Feb 2011.

HOUSING ENABLING LEAD – initially stated that supports this application for all affordable housing on the grounds of need in the area. This initial phase of 27 homes will help to ease the demand for affordable housing in the area

[Further comments on specific housing mix and discounts are currently awaited. These will be updated at the Planning Committee]

SOMERSET WILDLIFE TRUST – initially objected to the application on the grounds of potential loss of biodiversity and impacts to protected species. Insufficient information has been presented to the local planning authority to enable them to comply with their statutory duties toward biodiversity, and in particular their responsibility to maintain the favourable conservation status and distribution of European protected species. The Trust is not convinced from the submission provided that this application would result in anything other than a net loss to local biodiversity, running contrary to the requirements for a biodiversity gain as laid out in Planning Policy Statement 9 – Biodiversity and Geological Conservation.

QUANTOCK HILLS AONB SERVICE – Wish to see significant tree planting on the developments northern and western edges. [comments made prior to submission of revised landscaping plans to provide a 20m buffer on the northern and western edges]

Representations

1 letter of representation received that states:

- Great Crested Newts have been seen in the garden of a nearby property (photographic evidence submitted).

PLANNING POLICIES

PPS 1 SUPP - Planning and Climate Change,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,
C1 - TDBCLP - Education Provision for New Housing,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN12 - TDBCLP - Landscape Character Areas,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Development

The site is adjacent to, but outside of, the settlement limits for Taunton as defined in the adopted Local Plan. The application is therefore considered to be a departure and an assessment needs to be made as to whether other material considerations warrant a deviation from the Local Plan.

The proposal is for 100% affordable housing but rural exceptions policy H11 does not apply as that policy relates to sites on the edge of villages and rural centres rather than Taunton or Wellington.

However, it is considered that the principles of allowing a departure from the local plan (in order to provide a specialist proposal that caters for an important and identified need of affordable housing) can be acceptable. A residential development such as this would be in close proximity to services and public transport so occupants would not be wholly reliant on the private motor car.

Affordable Housing Provision

Although the form and tenure of all the proposed housing does not meet the specific definitions of intermediate housing in PPS3, the proposal does cater for a specific need of properties.

In order to qualify to purchase one of the low cost by design properties, it will be necessary for the buyer to be registered with Homebuy (to confirm that they are not already a home owner). The low cost by design properties will have a market set price that will fluctuate with the market. In the case of the detailed planning

application for 27 properties, 10 of these will be apartments and the developer suggests that a 1-bed apartment would be in the region of £70k and a 2-bed property be in the region of £90k. It is considered that this type of accommodation could address the needs of those who have access to a deposit and mortgage, but cannot currently afford higher value housing.

Discounted open market housing is a normal type of intermediate housing that is commonly proposed as part of an affordable housing development. The Housing Enabling Lead is awaiting further details from the developer so that the discount to be applied can be agreed. The developer has proposed a 20% discount and considers that a 3-bed house that would normally cost around £155k could be available to buy at £124k (subject to eligibility). The detailed application for 27 properties includes 9 discounted open market properties.

The remainder of the houses are proposed to be either intermediate rent or social rent. The further comments of the Housing Enabling Lead are awaited on this part of the proposal and will be updated at the planning committee. All of these properties will need to be built to code level 3 and the developer anticipates that these will go to a Registered Provider.

Overall, it is considered that this could be an appropriate mix on the detailed application for 27 houses, although there is a higher proportion of low cost by design apartments currently proposed on the larger outline scheme for phases 2 and 3. The developer has suggested that this mix may change on the later phases to provide more houses and less apartments to reflect the current market situation. This could be reviewed at a later date but prior to delivery.

Impact on Hestercombe House SAC (lesser horseshoe bats)

This is site TA6 in the Habitats Regulations Assessment (HRA) for Hestercombe House SAC completed for Taunton Deane in September 2009. The HRA sets out the requirements for the site in order that it complies with the Habitats Regulations (now the Conservation of Habitats and Species Regulations 2010).

Natural England require that development sites north of Taunton undergo a project level Habitats Regulations Assessment, i.e. a 'test of significance, by Taunton Deane as the 'competent authority' be carried out. For the application to receive planning permission it must be concluded that there will be no adverse impacts on the conservation objectives of a Natura 2000 sites, in this case Hestercombe House SAC.

A draft test of significance has been drawn up in conjunction with the County Council Ecologist and the mitigation requirements and offset planting is set out in the consultation responses section of this report. Prior to any grant of planning permission, this will need to be signed off.

The mitigation proposals include:

- A 20 metre wide buffer of woodland planting for the length of the western and northern edges of the application site. Part of the woodland buffer will be set upon an earth bund which will increase its height and enable earlier functionality to be achieved.
- No development on site further to that in Phase 1 will be permitted until the

woodland buffer (above) is functional. The criteria for 'functional' has been agreed with Natural England as when 40% of trees have reached a 5.5 metres in height including the height of the earth bund before the commencement of Phase 2 of the development on site, as shown on the application plan.

- Offset planting an area of 1.22 hectares as part of Phase 1 on other land in the control of the National Trust (full details to be agreed) and no development of Phase 3 shall be carried out until the planting is functional
- However, it has been agreed that as an alternative to the functionality criteria an increased offset ratio will apply of 4:1 . In addition the developer will plant an orchard of 0.32 hectares immediately to the north of the site. Planted trees will be the largest available

Given these mitigation proposals it is considered that that there would be no significant effect as a result of granting the planning application on the SAC provided the applicant adheres to the mitigation measures and off set planting

On-site Ecology (Greater Crested Newts and Dormice) .

Greater Crested Newts (GCN) have been found on the site and the survey report recommends habitat creation and relocation. The Councils Nature Conservation and Reserves Officer considers that the location of the receptor site for GCN needs to be agreed prior to determination as does the location of the new pond(s). The details of this are awaited and upon receipt, further consultation will take place.

If the detailed protection and mitigation proposals are considered to be acceptable a European Protected Species License will be required. The Council will need to make an assessment of the favourable conservation status of GCN in the locality and whether or not Natural England would grant a license.

It will be necessary to carry out the required derogation tests prior to the grant of planning consent.

Survey work for Dormice has been carried out during the summer months of 2011 and an interim report concluded that site visits carried out during July and August found no dormice or their signs within the hedgerows that were subject to survey. However, the survey is not yet complete and the presence or absence of dormouse cannot be confirmed until the final visit is undertaken during November 2011.

It is recommended by your officers that the resolution for this application should be subject to the receipt of the final survey report and responses from specialist consultees. Should dormice be confirmed as absent when the survey is complete, no specific mitigation for dormice will be required. If dormice are found to be present then special mitigation or amendments may be required and as such, the application may need to be reported back to the planning committee for further consideration.

Drainage

The Council's Drainage Engineer has considered the proposed plans and concludes that provided a detailed drainage scheme is provided prior to work starting on site then there are no objections.

The Environment Agency have raised concerns about the development of a

Greenfield site and that SuDs systems (other than underground storage tanks) have not been fully considered. The Developer is currently in negotiations with the EA in order to resolve this issue however it is considered by the case officer that on site surface water attenuation would significantly reduce the net developable area of land resulting in lesser provision of affordable housing.

It is not possible to extend the site due to the requirements of the 'test of significance' to mitigate the impact on Hestercombe House SAC and land to the north and west of the site is on higher ground so off-site surface water storage would appear to be not achievable.

It is therefore considered that underground storage is likely to be the best solution for surface water drainage.

Highways

The County Highways Authority have no objection in principle to the development and are currently considering an addendum to the submitted Transport Statement. Subject to their detailed response (expected prior to the Planning Committee meeting) the proposals are considered acceptable in highways terms.

Careful consideration of the submission of an appropriate Travel Plan is required. As a site that is not in an unsustainable location, but is 2km from Taunton town centre, it is necessary to require a series of measures to promote and encourage more sustainable travel choices. The Transport Statement proposes:

- Appointment of a Travel Plan Co-ordinator;
- Restricted car parking provision;
- High levels of secure cycle parking provision;
- A Welcome Pack including details of local walking, cycle and public transport routes;
- Regular leaflet drops to advise of any changes in the above; and
- Promotion of the Council's County wide car share scheme.

The further views of the Highway Authority will be updated at the committee meeting.

Design and Landscaping

The detailed design for 27 houses has been submitted with the full planning application. This includes terraced blocks of two-storey housing and a single apartment block containing 10 units that is also two storeys high.

An indicative layout for the remaining phases of development has been submitted with the outline application that shows three-storey blocks of 15 apartments on the southern part of the site and two-storey houses to the north.

The designs are considered to be appropriate for the location and the layout includes an efficient use of land that enables a development that can be affordable by design.

A 20 metre wide landscape bund is proposed to the north and west of the site to avoid light spillage and mitigate the impact on the Hestercombe House SAC. This also will provide an extremely effective screen around the development and a much improved edge between the built up area and surrounding landscape.

The provision of a community orchard to the north will further improve and mitigate against the impact of the development.

Education, Leisure and Recreation Contributions

Requests for appropriate contributions to the Education Authority and Community Services would amount to just over £5,000 per property and the developer suggests that this would make the proposal unviable. Evidence has been submitted through a viability assessment and this has been considered by the case officer.

It is agreed that if these contributions were sought then the price that a purchaser would have to pay for each of the affordable houses would increase by the same amount. It is considered that this could start to take some of the properties outside of the realms of affordability and not cater for the specific needs that the application is designed to address.

It is therefore recommended that due to the very special circumstances of this proposal and the submitted viability assessment that contributions are not sought.

Conclusion

It is considered that a specialist scheme to accommodate non-homeowners who are in housing need is sufficient justification to allow a departure from the Local Plan. Provided that all outstanding issues identified above are resolved, it is concluded 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 1988.

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