

14/13/0049

LINDEN HOMES WESTERN

RESERVE MATTERS APPLICATION IN RESPECT OF CONDITIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 13 AND 14 FOR THE RESIDENTIAL DEVELOPMENT OF 35 NO. DWELLING HOUSES AND RECREATIONAL OPEN SPACE AND DRAINAGE WORKS AT LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL (OUTLINE 14/12/0036)

Location: LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL

Grid Reference: Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of revised plans to show amended bin store locations and updated planting schedule with future maintenance agreements.

RECOMMENDED CONDITION(S) (if applicable)

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

This list is liable to change before Committee.

- (A0) DrNo 4901:P01 Rev D Preliminary Drainage Strategy
- (A1) DrNo AHL01 Rev C Affordable Housing Layout 01
- (A1) DrNo BP01 Rev B Boundary Plan 01
- (A1) DrNo EL01 Existing Site Layout
- (A1) DrNo LP01 Location Plan 01
- (A1) DrNo ML01 Rev C Materials Layout 01
- (A1) DrNo SE01 Rev B Street Elevations 01
- (A1) DrNo SL01 Rev C Site Layout 01
- (A1) DrNo TD699_01F Landscape Plan 1 of 2
- (A1) DrNo TD699_02F Landscape Plan 2 of 2
- (A2) DrNo SK01 Proposed Site Access Arrangement and Footway Links
- (A3) DrNo HT.1281A.e House Type 1281 Elevations Variation A
- (A3) DrNo HT.1281A.p Rev A House Type 1281 Floor Plans Variation A
- (A3) DrNo HT.1281AR.e Rev A House Type 1281 Elevations Variation A - Render
- (A3) DrNo HT.1332.e House Type 1332 Elevations
- (A3) DrNo HT.1332.p House Type 1332 Floor Plans
- (A3) DrNo HT.1332A.e House Type 1332 Elevations Variation A
- (A3) DrNo HT.1332A.p House Type 1332 Floor Plans Variation A
- (A3) DrNo HT.1332B.e House Type 1332 Elevations Variation B
- (A3) DrNo HT.1332B.p House Type 1332 Floor Plans Variation B

(A3) DrNo HT.1332R.e House Type 1332 Elevations Render
(A3) DrNo HT.1526.e Rev A House Type 1526 Elevations
(A3) DrNo HT.1526.p Rev A House Type 1526 Floor Plans
(A3) DrNo HT.1845.e Rev A House Type 1845 Elevations
(A3) DrNo HT.1845.p Rev A House Type 1845 Floor Plans
(A3) DrNo HT.1845R.e Rev A House Type 1845 Render Elevations
(A3) DrNo HT.910.e House Type 90 Elevations
(A3) DrNo HT.910.p House Type 90 Floor Plans
(A3) DrNo HT.910A.e House Type 90 Elevations Variation A
(A3) DrNo HT.910A.p House Type 90 Floor Plans Variation A
(A3) DrNo P.7-10.e1 Rev B Plots 7-10 Elevations Sheet 1 Affordable (Shared Ownership)
(A3) DrNo P.7-10.e2 Rev B Plots 7-10 Elevations Sheet 2 Affordable (Shared Ownership)
(A3) DrNo P.7-10.p Rev B Plots 7-10 Floor Plans Affordable (Shared Ownership)
(A3) DrNo PL.11-15.e1 Rev B Plots 11-15 Elevations Sheet 1 Affordable (Social Rent)
(A3) DrNo PL.11-15.e2 Rev B Plots 11-15 Elevations Sheet 2 Affordable (Social Rent)
(A3) DrNo PL.11-15.p Rev B Plots 11-15 Floor Plans Affordable (Social Rent)
(A1) DrNo 4901:20 Pond & Pump Station Details
(A3) DrNo GAR.01pe Garage Type 1 Floor Plans and Elevations
(A3) DrNo GAR.04pe Rev A Garage Type 4 Floor Plans & Elevations

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

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as may be agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies CP8 of the Taunton Deane adopted Core Strategy.

Notes to Applicant

1. The application provides acceptable details for the layout, scale, appearance and landscaping of the site that will not impact unacceptably upon the character and appearance of the area or the amenities of other nearby property. It would, therefore, be acceptable in accordance with Policies DM1 (General Requirements), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP8 (the Environment) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
3. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL AND HISTORY

This is a Reserved Matters application pursuant to an outline approval granted under LPA ref: 14/12/0036 on 28 May 2013. The outline consent approved a residential development of 35 houses with associated parking, a scout hut and recreational open space (up to 200 sq. m.) allotments, drainage works and access. The principle of development has therefore been established and will remain valid until May 2016.

The outline application was clear in approving access, and so this is not 'reserved' by the outline consent and already has approval. Appearance, landscaping, layout and scale remain as reserved matters. This application now seeks consent for these 4 reserved matters.

The applicant has also applied to discharge the conditions attached to the permission, of which there are 17. These are being dealt with separately, although there is some duplication with the reserved matters.

SITE DESCRIPTION

The site comprises a field on the north-western edge of the settlement, surrounded by established hedgerows. The Motorway (M5) lies on the north-western edge of this site, existing dwellings on Meredith Close and Leighton Drive lie to the east, a further proposed residential site to the south, and the existing primary school and new health centre to the south-east. The site is accessed off the main route through Creech St. Michael (Hyde Lane) which runs from the south-east, along the east of the site and then to the north-west over the motorway. The site is flat and currently laid to grass. Access to the site is off Hyde Lane.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL - observations:-

1. The footpath link at the south of the site should be moved through 90 degrees.
 2. A sum of £5000 is payable under the s106 agreement to improve an existing footpath at the southern end designed to take pedestrians away from the road. The developers have advised that they have no control over the use of this money. It is imperative that this footpath has a sealed surface over its entire length to Hyde Lane.
 3. The attenuation pond is poorly sited in open (play?) space. The pond should be moved to the south east corner and adequately fenced so as not to provide a temptation for children.
 4. The Traffic Management Plan states that the site will be subject to a 15 mph. speed limit. The P. C. believes that it cannot be enforced and so the corresponding visibility splays are unacceptable.
 5. This application proposes a crossing point to a footpath on the north side of Hyde Lane. As Hyde Lane widens before the bridge and the proposed footpath narrows to 1 metre, this is dangerous. The 30 mph should be extended to the crossing with appropriate signage and speed humps, bearing in mind the nearby recreation park and associated play equipment.
 6. The proposed link to the relief road would overcome traffic volume problems on Hyde Lane. No such link has been forthcoming and accidents occur on a regular basis. SCC (Highways) proposed a pedestrian/cycleway at the outline stage on a section of Hyde Lane where visibility is greatly restricted. We urge this to be implemented prior to the occupation of the first house, particularly given that another development of 55 houses has been approved nearby. The Planning Dept. has a moral duty to protect cyclists, pedestrians and school children (who have no alternative route to school) by insisting this footway is installed before the occupation of any more houses in Creech St. Michael.
- In deciding this application thought needs to be given to the practical and legal implications of this and other applications that will total 134 new homes in an area whose road network and associated infrastructure were not designed to cope with this level of development.

LEISURE DEVELOPMENT –

No observations to make as there is a signed s106 agreement in place.

LANDSCAPE –

A good landscaping scheme subject to implementation and maintenance.

BIODIVERSITY –

The submitted wildlife strategy uses words and phrases such as 'should' and 'it may be possible' which makes the proposals rather vague. The Council needs to be assured that the recommended biodiversity enhancements will be implemented on site. Need the applicant to submit a plan clearly showing the locations of the proposed bird boxes, bat boxes, reptile hibernacula, hedgehog refuge and interpretation board. Also Council needs to know when the section of hedging is to be removed.

HOUSING ENABLING –

Following detailed discussions with the developer and their agents the affordable housing scheme including unit mix, layout, tenure and location has now been agreed (dwg no SL01 – Rev D)

The affordable housing is to meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause has been included within the S106 agreement to prioritise the homes for local people.

WESSEX WATER –

Wessex Water state (07th February 2014) that they are progressing the drainage strategy with the applicant and so have no further comments to make in this instance.

HIGHWAYS AGENCY SOUTH WEST –

As the verge, safety fencing and embankment at this location are part of the local highway authority network the Agency has no comments to make on the detailed proposals. It should however be noted that it will be a requirement for any new safety fencing to be connected to the parapet in accordance with the standards set out in the Design Manual for Roads and Bridges document TD19/06.

With regards to condition 9 (Boundary landscaping adjacent to Motorway) - that

suggested will not cause major issues, but the species *Tilia cordata* has previously been identified as a poor choice close to the highway. The Agency recommends that either this tree is not used or is planted no less than 1.5 times the maximum tree height from the edge of the Agency boundary.

The Agency also asked for condition 10 (Construction management Plan). It does not appear as one of the conditions covered by the submission, although the letter from agents TPA seems to refer to it. Needs clarity. If not submitted at this time, it will need to be submitted and approved before construction can commence.

On the basis of all of the above comments, the Highways Agency offers no objection.

Since these comments, the Highways Agency has been made aware that it owns land adjoining and potentially overlapping this development site (in the north, Hyde lane where it crosses the M5 and either side). The HA ownership includes land parts of which are 'public highway' but any works which extend beyond the depth of 'the highway' will require approval by the Agency. Therefore there is a need for the developer to engage with the Highways Agency as a land owner in order to deliver this development. Given that there may be impact on HA lands, the Agent will need to clarify the extent of the interaction between the Agency land and works required to facilitate the development. If HA approval/agreement is required then this must be taken up with the HA Lands team.

PARKS –

The extent of the POS is not clear. Land to be designated as POS should be clearly shown on a plan. POS areas should not be small and should have connectivity to the general POS. POS areas including hedgerows and wildlife corridors should be easily accessible for maintenance purposes. Attenuation ponds must have adequate protection where there is unrestricted public access, especially near a footpath and other high frequented areas.

SCC - TRANSPORT DEVELOPMENT GROUP –

Commenting on the submitted 'Construction Traffic Management Plan (as required by condition 10), there are 3 main areas of concern requiring amendment –

On-site parking - Need sufficient parking for all phases of development; wheel washing facilities near site exit; may need discussion with PCSO if parking on Hyde Road impedes delivery vehicles; and need to manage and control on-site parking.

Routes for construction traffic - need weight restriction from A358 in the south; lorries above weight restriction to use the north (A38) via North End; replace route through Creech Heathfield with route from A38 via North End for all construction traffic; Hyde Lane from west must not be used by construction traffic.

HGV hours - No deliveries between 08:00 and 09:15 or 30. Check nursery times as may be later than the school.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

The site is adjacent to the M5 motorway and so there is the potential for noise from traffic to affect future residents. The applicant has provided a noise assessment for the development. Noise measurements have been taken and used along with computer modelling to estimate noise levels across the site. The report makes recommendations for suitable glazing and ventilation on certain facades on the development. The sound reduction scheme given in the Hoare Lea Acoustics report is acceptable.

The report does note that some of the rear gardens of properties will not meet the criteria used in BS8233 for external noise levels. However, the site is close to the motorway and it would be hard to achieve this level across the whole site without using high fences or barriers which are not likely to be suitable

Note that the condition requires that “All works that form part of the scheme shall be completed before the development is occupied”. It would be good if the developer could confirm in writing that the works have been carried out outlined in the report.

SOMERSET WASTE PARTNERSHIP –

They explain that they manage waste and recycling on behalf of all local authorities in Somerset. Best Practice recommends that two-wheeled containers should not normally be transported by collectors by more than 15 metres, and 10 metres for four-wheeled bins. Some of the properties shown set away from the adopted highway may have to carry bins more than 30 metres. There is also concern over communal collection points, as these can lead to obstructions to walkways, aesthetic and littering issues and neighbourhood disputes. This can mean that some residents will choose not to use them which may also lead to extra transport distances for the collectors. The consultation from SWP lists likely difficulties with many individual plots within the proposed layout and they demonstrate how this would be likely to lead to excessive carry distances. Some solutions are suggested by SWP.

Representations

5 letters of OBJECTION received which raise the following issues:

Principle

- What happened to the "village" of Creech St. Michael?
- 'Cut and dried' comes to mind.
- Consultation is a waste of time as we all know that it will be approved.
- Why do developers always get what they ask for?

Infrastructure

- The bus service is inadequate.
- Health centre will not cope (currently an 8 day waiting period for appointments).
- There are no plans to accommodate more places at the local schools which are

already at capacity.

Traffic

- Hyde Lane cannot cope with any more traffic.
- Hyde Lane is currently dangerous on the bends, full of potholes, deep ditches, blind bends and single file sections.
- No one ever enforces parking regulations along Hyde Lane.
- What improvements are proposed for Hyde Lane to overcome its difficulties?
- Cars park on the road particularly near the school and the health centre. This would create problems for builders lorries.
- Parking at the shop and pub is not adequate leading to problems on the main village road.
- The Council never takes any notice of villagers concerns over the increase in traffic and the dangers to children going to school at Monkton Heathfield along a lane with no pavements and having to walk through flood water.
- Need speed bumps along Hyde Lane as in the rest of the village. There is a real problem with speeding.

Flooding

- Lessons must be learnt from the problems on the levels.
- Is it wise to build so near to the river?
- Will flood prevention measures be accurate?
- Currently, the water from the fields has been running across and flooding Hyde Lane. Anymore tarmac and solid structures will make matters worse.

Housing issues

- More affordable houses to be built no doubt!

Landscaping issues

- Can the conservation or re-planting of as many trees as possible take place adjacent to no 85 Hyde Lane to maintain privacy and help with traffic noise?

General and other issues

- People who live in the village are over-looked in what appears to be a box ticking exercise.

PLANNING POLICIES

CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM2 - TD CORE STRATEGY - DEV,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

The development of this site will result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £40,287

Somerset County Council (Upper Tier Authority) £10,072

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £241,724

Somerset County Council (Upper Tier Authority) £60,431

DETERMINING ISSUES AND CONSIDERATIONS

This application seeks a Reserved Matters approval to the outline consent granted under LPA ref: 14/12/0036 on 28 May 2013. The outline consent approved a residential development of 35 houses with associated parking, a scout hut and recreational open space (up to 200 sq. m.) allotments, drainage works and access. The principle of development has therefore already been established and will remain valid until May 2016. The principle is not therefore being considered by this application

The applicant has also applied to discharge the conditions attached to the permission, of which there are 17. These are being dealt with separately, although there is some duplication with the reserved matters. .

Layout

The layout of the site is different from the indicative layout submitted and approved with the outline consent, but takes on board many of its principles and themes. The layout has changed following negotiations which sought to improve amongst other matters, the following initial concerns -

- the integration of the affordable units into the site;
- the excessive walkouts to the bin collection points;
- the location of the attenuation pond/swale in open (potentially play) space;
- parking spaces in relation to the dwellings they are serving;
- road surface treatment;
- large areas of hard surfaced parking areas;
- poor relationship between the built edge and the open spaces beyond;
- size of and access to the land designated for a future scout hut (as required by the legal agreement under s106); and
- lack of pedestrian links to the wider village footpath network

These matters have now all been successfully addressed and have resulted in a revised layout plan which is considered to be much better and acceptable. The layout plan now shows a broad sweep of open space and landscaping around the west and south of the site, with the built form and hard surfacing contained in the centre and towards the east of the site. In this way, the proposed development relates to the existing development off Meredith Close and the open space and landscaping acts as a buffer between the residential curtilages and the motorway on the north-western boundary of the site. The required infrastructure and ancillary facilities necessary to make the site work have been placed on the periphery of the built form to free up the central space for movement and living. This works well for this development.

The dwellings are arranged in three clusters with vehicular and pedestrian access gained off a series of adopted highways and private driveways which sweep around the edge of the buildings. The affordable units are shown in the north of the site. The area reserved for a possible scout hut and outside area as required by the legal agreement under s106 of the Town and Country planning Act as attached to the outline consent, is shown in between the affordable (social rented) units and the boundary of the site with the motorway. A pumping station is now required and is shown to the south of the proposed scouting area.

The closest existing dwellings to the site are 5 – 29 (odd nos.) Meredith Close and 61, 63, 65 and 85 Hyde Lane. These dwellings are between 10 and 11 metres away from the proposed party boundary, with the separation distance back to back varying between 22 and 26 metres. This is considered to be sufficient to prevent any unacceptable overlooking.

The access roads and private drives around the edge of the development will work well. They will provide single sided development with irregular spacing looking out to the open areas around the perimeter of the development.

This is now considered to be a good layout which can be recommended for approval. The relevant external bodies/authorities that will be impacted by this layout or who have a vested interest in the outcome, such as the Borough Council (Housing Enabling), Highway Authority (S.C.C.), the Somerset Waste Partnership, the Borough Parks Department, E.H.O. (noise and pollution), are now happy with the outcome of the negotiations. The concerns raised by the Parish Council, the Highways Agency and the scouting movement have been also addressed. It is considered therefore that the submitted 'layout' should be approved as a Reserved Matter.

Scale .

The scale of the development is considered to be in line with the other new developments approved in the north of Creech St, Michael. The number of units and the proportion of affordable units (including the mix) was established and approved by the outline consent. The type of units proposed is in keeping with the neighbouring development at Meredith Close which has already been built. There is a mixture of detached, semi-detached and terraced properties, but all are two storeys high, although some have rooms in the roof lit by dormer style windows. There is a good balance between the built form and the open and green spaces, which helps assimilate the development into the village character. The scale of the development is considered to be appropriate and acceptable.

Appearance

This development will be read more with the surrounding more recent developments, which tend to be 2 storeys high, with the use of red brick, cream render, with some slate but mainly tiled roofs. The current proposals seek to reflect this. The house types proposed throughout this development are considered to be well designed, well proportioned buildings. Following negotiation with the applicant, some unacceptable elements, such as the flat roofed dormers on the road frontages have been redesigned more appropriately. The result is a mix of house types that are

relatively simple in design, that will use a pallet of materials – mainly brick with some render – that respects the local vernacular and will not detract from the character and appearance of the area. The materials chosen are brick (lbstock - surrey red multi 4133 and surrey orange 4131), with K rend stirling white render, and tiles (Redland, double roman - farmhouse red and breckland brown). Architectural features have been added to integrate the design into the neighbouring context, showing key features such as reconstituted stone lintels and sills, side hung windows, and simple eaves detailing.

This will create a simple, pleasing appearance that is in keeping with surrounding context and is therefore appropriate and acceptable.

Landscaping

There is a strong landscaping presence in the proposed scheme, and it is particularly noted that trees are shown on the main access street into the site. This is considered to create a strong character to the site and the highway trees will help ensure that the highway will not dominate the area. Most of the green and open areas are shown along the southern and western boundaries. This has primarily been designed to provide division and protection from the motorway which skirts the boundary. A bund is proposed to provide some noise protection and the trees will also help. The large green area will also be better placed to support wildlife and create ecological areas. It is noted that the Landscaping Lead considers this to be a good landscaping scheme, although further clarification is being sought on the implementation and maintenance of the scheme. Subject to this, the landscaping is appropriate and can be recommended for approval.

Response to consultees comments.

Parish Council - The attenuation pond has now been moved away from the main open green space. Other issues raised relate either to off-site works or conditions (which are being considered separately).

Biodiversity - The extra information required will be dealt with when considering condition 7.

Housing Enabling - Now considers the revised negotiated scheme to be acceptable.

Highways Agency - They asked for the *Tilia Cordata* to be removed from the planting schedule adjacent to the motorway. This has been changed. They asked to see a Construction Management Plan (condition 10). This has now been submitted and forwarded to the H.A. They have now confirmed (letter dated 26th March) that they are satisfied with the document. This will be noted when dealing with condition 10.

S.C.C. (Transport development Group) - Have some queries on the Construction Management plan. This will be dealt with under condition 10.

Somerset Waste Partnership - Have suggested difficulties with the layout as originally submitted. This layout has changed as a result of officer negotiations. However, a copy of SWP's concerns has been passed to the architects, and they have agreed to look at the issues raised. A revised plan had not been received at

the time of compiling this report, but when it has it will be forwarded to SWP for comment and hopefully agreement. Members will be updated on this at their meeting.

Response to third party representations.

The comments relating to the principle of development, infrastructure, traffic and flooding issues are all matters that were considered as part of the Outline Application. As that has now been approved, they are not issues relevant to this Reserved Matters proposal. The comment about not wanting more affordable houses, runs contrary to Government advice, the Borough Council's aspirations and the identified local need. This should not therefore be seen as an over-riding concern. In respect of the request for extra landscaping to the rear of 85 Hyde Lane, there is a significant planting belt proposed in this area and I am satisfied that this addresses the concern raised.

Conclusions.

The plans and documents which form the Reserved Matters are now considered acceptable in their own right and in terms of their relationship with the surrounding environment in Creech St. Michael. Significant negotiations have occurred to reach an acceptable scheme and the Developer has been able to address all of the concerns raised. It is my opinion that the revised plans now received do not breach or conflict with any policy consideration either nationally or locally. This has all resulted in a scheme that can now be recommended for approval. There are still some outstanding issues with the discharge of the conditions attached to the outline consent, but these are being examined separately.

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

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