

06/16/0012

TAYLOR WIMPEY EXETER

Variation of condition No.17 of Planning application 06/11/0032 to carry out the following highway works:

Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C;

Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A;

Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F.

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD TA4 3BY

Grid Reference: 316237.12879

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

1. The following highways works shall be completed by 31st December 2016:
 - (i) Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C;
 - (ii) Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A;
 - (iii) Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F.

Reason – In the interests of highway safety.

2. 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.

3.
 - (i) 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).
 - (ii) The landscaping scheme submitted to the council on 1 May 2012 shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

4. 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.

5. 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.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window(s) shall be installed in the side (north) elevation of Plot 15 and side (west) elevation of Plot 10 hereby

permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

Notes to Applicant

- . 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 entered into pre-application discussions to enable the grant of planning permission.

Proposal

This is an application made in Section 73 of the Town and Country Planning Act to vary an existing planning condition that is attached to planning consent 06/11/0032 – Erection of 39 dwellings at Station Farm, Bishops Lydeard. The extant planning condition requires:

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.

The proposed amendment to the condition seeks approval for the designs for both the improvements to the junction of Greenway/Station Road (which include pedestrian footways from the housing site to the existing footway network) and the provision of the new roundabout at the junction of Station Road and the A358.

The application also seeks to remove the requirement for the provision of traffic signals at the approach to the railway bridge and provide carriageway markings and a change to the carriageway verge surfacing material.

Site Description

Station Green is located 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 larger development site. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across 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.

Planning permissions were granted for a mixed use development comprising a public house with restaurant, 39 dwellings, office building, and a railway museum and carriage shed in 2011. Construction works on the dwellings commenced shortly afterwards.

The construction of the dwellings is complete, but two parts of the site remain undeveloped. The first is out the site entrance where planning permission was granted for the erection of a public house with restaurant. The second is at the rear of the site where planning permission was granted for the erection of a two-storey office building. Both of those planning permissions have now lapsed.

Relevant Planning History

Original mixed use proposals

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

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.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

Subsequent change of house types

In September 2011, Taylor Wimpey sought permission under application 06/11/0032 to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition that required:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:

- a) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
- b) Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
- c) Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has been executed, however, the highways works have not been implemented.

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –

The Parish Council considered the three parts of this application separately and in turn, the decision in respect of each part is outlined below:

- Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on station road in accordance with Drawing Number 31408/GA/101 Rev C

The Parish Council supports the granting of permission subject to the concerns regarding removal of the hedge made by those living in properties on Station Green bordering Station Road. Whether the hedge is to be removed as part of these proposals is unclear on the plans.

- Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 Rev A

The Parish Council objects to the granting of permission. The Parish Council considers that the variation to only provide signage and white lining instead of shuttle signals will not ensure the safety of road users and pedestrians. The Parish Council felt that it had been placed in a very difficult position when considering this element of the planning application. The Parish Council feels strongly about the need for highway improvements on the bridge to improve safety but is concerned that its opposition to this part of the planning application could cause delays to all the required highway improvements which are already years overdue. The Parish Council also felt that there had been a lack of consultation between SCC Highways, Taylor Wimpey, West Somerset Railway PLC and the Parish Council (on behalf of the residents). If the shuttle signals aren't possible in this location then can alternative arrangements be considered like perhaps speed humps on either side of the bridge to slow road users on their approach to the bridge?

- Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 Rev K and 31408/GA/301 Rev F.

The Parish Council supports the granting of permission provided that all the details are acceptable to SCC.

SCC - TRANSPORT DEVELOPMENT GROUP - no objection

I refer to the above mentioned planning application received on 19th April 2016 and following a site visit the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the variation of condition 17 of permission 06/11/0032.

The original condition called for the proposed highway works to be carried out and completed prior to 50% occupations of the Station Farm site. The developer therefore entered into a S278 agreement to secure these works. The works consisted of the provision of a footway on Station Road, a new roundabout and a proposed traffic shuttle signals.

The elements that relate to the delivery of the new roundabout and proposed footway have been approved for tendering purposes by the Highway Authority. However throughout the audit process it has become apparent that there were issues in delivering the proposed shuttle signals.

As a consequence the Highway Authority has been working with the developer to resolve this situation which has culminated with the details that have been submitted on drawing GA-207 Rev A. This has seen the removal of the shuttle signals and replaced it with road markings and additional signage whilst also replacing the existing verge on the bridge with a type 2 material to tie-in with the level of existing carriageway. This revised layout has been subject to a feasibility safety and technical audit and the Highway Authority is satisfied that this scheme is achievable.

From reviewing the planning application on line it is apparent that there are a number concerns raised over the removal of this shuttle signals. The Highway Authority believes that the proposed design is the most prudent solution to overcome the issues with the previous scheme whilst it should also be noted that having reviewed the accident data for the area we can confirm that there are no collisions relating to the bridge in its current configuration.

Finally the Highway Authority needs to make the developer aware that they will need to vary the existing S278 agreement to include the revised plan GA-207 Rev A and also the timings for the delivery of the roundabout on the A358.

Therefore based on the above information the Highway Authority raises no objection to the variation of condition 17 of permission 06/11/0032.

HALSE PARISH COUNCIL – no comments received

Representations Received

11 letters of Objection/Comment have been received which raise the following issues:

Greenway/Station Road improvements

- The loss of the hedge by Numbers 8 and 10 Station Green appears unnecessary and will result in the loss of wildlife and privacy for those residents
- Support the proposal to install a crossing point from Station Green to the existing footway on the other side of the road.
- Loss of hedge that faces the properties in Greenway would result in a loss of residential amenity to the occupiers of those dwellings – vehicle headlights from the new development would shine into the dwellings in Greenway

Shuttle signals over bridge

- Aware of at least 3 accidents caused by vehicles stopping on bridge to observe trains.
- Not putting in shuttle signals would not improve safety for anyone crossing the bridge.
- Creating an informal pedestrian area without lights will reduce safety on the bridge.
- The developer should not be exempted from the cost of providing the originally proposed traffic lights.
- Why can't the traffic lights be located further back so that maintenance would be easier.
- The shuttle signals on the railway bridge between A358 and Cotford St Luke seem to be perfectly adequate for controlling traffic safely.
- It is unsupportable to leave the safety of pedestrians on the railway bridge down to a written sign.
- Some vehicles already drive dangerously too fast over the bridge and the proposals will not change this.
- The traffic lights were a specific requirement of the Highways Authority when they considered the original application.
- If it really isn't possible to provide traffic lights, there should be a steel footbridge built to allow pedestrians to cross the railway line and/or view the trains.
- The level of activity on the bridge is set to increase as the WSR develops a visitor centre, Heritage Carriage Display Shed and associated activities on the western side of the line.
- The whole point of the highway works is to enable safe and appropriate access to the railway, Station Green and Greenway for vehicle and pedestrian traffic.

Provision of roundabout.

- The roundabout should be completed as soon as possible.
- The proposed underpass should have cycle gates to prevent the current problem of cyclists endangering elderly walkers.

1 letter of support has been received which raises the following issues:

- Installation of shuttle lights would result greater threat to train watchers standing on the bridge as vehicles would inevitably travel faster over the bridge, knowing that on-coming traffic is held back.
- Delays caused by traffic lights could lead to backing up of traffic north of the bridge, possibly as far as the promised roundabout on the A358.
- Provision of the roundabout should be a top priority.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

EC22 - TDBCLP - Land West of Bishops Lydeard Station,
M4 - TDBCLP - Residential Parking Provision,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY - ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
DM4 - TD CORE STRATEGY - DESIGN,

Local finance considerations

The proposals have no local finance considerations

Determining issues and considerations

As the original condition was imposed for the reasons of highway safety, it is considered that this is the main issue for consideration. As the original condition was split in 3 parts, each of these should be considered in turn.

Greenway/Station Road Junction Improvements

The existing planning condition requires highway improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches. The current proposal include these works which would result in the slight realignment and widening of Station Road. This will allow for the Greenway Junction to be pushed out and improved visibility to be provided in both directions. The proposal also include the provision of a new pedestrian footway on the northern side of Station Road will provide a safe pedestrian route from the new residential development, through to the centre of Bishops Lydeard.

This road realignment will require the removal of some more of the hedgerow that was originally removed to provide the access to the new housing development. This was always expected as part of the original planning permission and is necessary to provide safe vehicle access to both Station Green and Greenway.

The provision of the new footway on the northern side of Station Road will require the removal of an existing knee rail and hedge that currently separates Station Road from Greenway. It is considered that there is a sufficient distance, with other landscaping and boundary treatments in place, to avoid a significant loss of residential amenity to the residents of the dwellings in Greenway. Overall, the additional provision of a footway and benefits to pedestrian safety is considered to outweigh the harm caused by the loss of the existing hedge.

Works to the Railway Bridge

The existing planning condition requires the provision shuttle traffic signals at the approach to the bridge and footway works over the bridge. Despite, this being an original requirement of the Highways Authority, they have been unable to come up with a suitable scheme that is acceptable in highway safety terms and which is deliverable. They have therefore had to revisit these requirements and have suggested that a scheme of road marking and demarcation of carriageway edge would provide the necessary mitigation for the increase in pedestrians using the bridge as a result of the new residential development. A footway has always existed on the northern side of the bridge and this, when combined with the other works, will provide a continuous pedestrian footway from the new development to the centre of Bishops Lydeard. The southern side of the bridge has a well-worn grass verge that is predominantly used by visitors to the West Somerset Railway for crossing the line (when the barrow crossing is not in use) or for viewing trains at the station. The original proposals envisaged this verge been formally changed to a footway that would have resulted in the narrowing of the carriageway and necessitating the provision of traffic lights to control traffic over the bridge. The current proposals do not include the provisions of the short section of footway on this side of the bridge, but would result in the demarcation of the edge of the carriageway and replacing the top of the existing verge with a level, compacted and free draining surface. This will not be a formal footway/pavement, but would allow people to cross or view in a safer and more convenient manner than at present.

The County Highways Authority have been consulted on this proposed amendment and the revised layouts have been through their Safety and Technical Audit Process. As a result, they have no objection to the proposal to vary condition 17 of the original planning permission. In response to the application, they have concluded

that “The Highway Authority believes that the proposed design is the most prudent solution to overcome the issues with the previous scheme whilst it should also be noted that having reviewed the accident data for the area it can confirm that there are no collisions relating to the bridge in its current configuration.”

Provision of a new Roundabout

The provision of the new roundabout is welcomed and full details of how this will be constructed have been provided in this application. This includes the reconstruction of the subway underpass.

The submitted plans show the realignment of the carriageway on the eastern side of the A358, new access point to the dwellings to the north and provision of a bus stop. The existing carriageway will be broken up and landscaped to highway verge.

Much of the responses to this part of the application is that it should be carried out as soon as possible. Comments have been received regarding the proposed reconstructed underpass and its use by cyclists. There are current highway signs that restrict cycle riding through the underpass and it is assumed that this would remain in place.

Conclusion

Two parts of the proposals are generally in accordance with the original requirements of the planning condition and provide the detail design that was not previously available. These are clearly acceptable.

The proposal to not provide the shuttle signals as originally requested has been carefully considered by the highway authority, who have looked at the highway safety implications. They have responded to the application and have no objections to the proposed amendment to Condition 17 - which was originally imposed in the interests of highway safety.

It has already been announced by the Highway Authority that the works are due to commence in September 2016 and it is considered appropriate to include a date for the completion of the works. It is suggested that a date of 31st December 2016 is reasonable and this would allow for a small time contingency should any unexpected issues arise during the construction of the highway works.

As this is an application to vary a condition and would result in a new planning permission, it is necessary to impose any previous conditions that are still relevant to the development. These include the retention of visitor parking, maintenance of the approved landscaping scheme and removal of permitted development right for new garages, fences and insertion of windows in certain plots.

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

Contact Officer: Mr B Kitching