

BELLWAY HOMES LTD/BARRATT HOMES (EXETER) LTD

FLOOD CHANNEL IMPROVEMENT WORKS TO HALSEWATER AND FORD FARM DITCH WITH ASSOCIATED WORKS TO DRAINAGE DITCH ADJACENT TO WEST SOMERSET RAILWAY EMBANKMENT, REPLACEMENT OF BRIDGE AND CULVERT AT STATION ROAD AND DIVERSION OF PUBLIC FOOTPATH AT LAND AT FORD FARM, NORTON FITZWARREN

Grid Reference: 324811.129469

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered to provide an acceptable flood channel scheme that will reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. It is, therefore, considered to be acceptable in accordance with Policies S1 (General Principles), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and guidance contained in Planning Policy Statements 9 and 25.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo TD485-10D Existing ford farm ditch
(A1) DrNo TD485 Soft landscape plan
(A1) DrNo TD485-11E Proposed flood relief channel plan
(A3) DrNo TD485-09 Red line plan
(A1) DrNo 1029-M4 Proposed bridge/culvert
(A1) DrNo TD485-13D Soft landscape plan
(A3) DrNo TD485-14 Ford Farm Fiels Interceptor Ditch
(A1) DrNo 1029/M4 Proposed bridge/culvert
(A1) DrNo TD485-11E Proposed flood relief channel plan (illustrative)
(A1) DrNo TD485-12B Proposed typical channel sections
(A3) DrNo TD485-09 Red line plan

(A4) Location plan
(A1) DrNo 1029/M4 Proposed Bridge

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

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14 October 2010 by Hyder Consulting and the following mitigation measures detailed within the FRA;

- The capacity of the proposed channel must be no less than the channel described in section 4 of the FRA.
- The soffit of Station Road Bridge must be no lower than 22.163m AOD at the abutments and 22.447m AOD at the centre.

Reason:

To ensure flood risk is reduced and to ensure there is no impediment to flood flows in accordance with Planning Policy Statement 25.

4. Any land raising or spoil stockpiling shall be in a location shall only be in a location that has previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the flood risk off site will not be increased as a result of these works, in accordance with Planning Policy Statement 25.

5. No development shall commence until details of the construction and design of the replacement bridge at Station Road have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that the development does not increase flood risk elsewhere or the pollution of the watercourse, in accordance with PPS25 and PPS23.

6. No development shall commence until details of the construction and design of the weir to split low and high flows have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that biodiversity interests are protected in accordance with PPS9.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact assessment (EclA) and EAD's Landscape and Ecological management plan, dated October 2010 and further otter and water vole surveys and include:

1. Details of protective measures for protected species to include method statements for fish, reptiles, amphibians and (If appropriate)

water voles to avoid impacts on wildlife during all stages of development;

2. Details of the timing of works to avoid periods of work when the nesting birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and bats.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The mitigation shall include maintenance and provision of the new bird and bat boxes, resting areas within the proposed bridge and the creation of habitat piles.

Reason: To protect wildlife and their habitats from damage

8. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees 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, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It 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.

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

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.

9. Ecological monitoring of the site shall be undertaken in accordance with Landscape and Ecological management plan prepared by EAD dated October 2010.

Reason: To ensure that the long-term management of the site is informed and to identify where the existing maintenance regime requires modification, in order to protect ecological interests in accordance with PPS9.

10. (i) The landscaping/planting scheme shown on drawing TD485_13D shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other 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.

Notes for compliance

SITE DESCRIPTION AND HISTORY

The site sits to the west of Station Road and south of the B3227 through Norton Fitzwarren. The existing Halse Water crosses the site, running parallel with the B3227, before turning south. It then crosses Station Road via a culvert under the road. There is an existing 'drainage ditch' which runs through the centre of the site, broadly running south from where the Halse Water crosses the B3227, before turning east and rejoining the main channel shortly before the Station Road culvert. Both the main channel and the drainage ditch are lined with trees and vegetation. A public footpath runs through the site, again, broadly following the drainage ditch, although the trodden route does not appear to follow the definitive line. The applicant, therefore, proposes to formally divert the footpath to broadly follow the established trodden line and adequately accommodate the proposed channel works.

Works to this site were always envisaged as part of a wider flood alleviation scheme for Norton Fitzwarren, which to date includes the Halse Water dam and channel improvements at the Old Cider Factory. However, the Local Plan Inspector considered that the site should not be allocated for residential development in the Taunton Deane Local Plan and, accordingly, the works for this site were never advanced.

PROPOSAL

This application seeks full planning permission for works to the Halse Water at Ford Farm. The works essentially propose to provide a flood channel for the Halse Water by altering an existing drainage ditch that runs across the middle of the site. It is proposed to extend from downstream of Wassail View (to the north of the B3227) to Station Road – a distance of approximately 519m. It would comprise a low flow channel approximately 5m wide, 0.5m deep, a 6m wide maintenance margin; a flood channel with a top width of approximately 18m; and a weir structure designed to maintain the existing channel flow splits in both low and high flow conditions.

The application also proposes a new bridge on Station Road. The existing 'box culvert' bridge would be replaced with a single span bridge. It also incorporates flood protection walls and bunding to the south side of the structure and a humped carriageway profile to contain floodwaters and protect properties in Station Road.

An 'interceptor ditch' along the boundary with West Somerset Railway to capture overland flow.

In carrying out these works, it is intended to lift the Ford Farm site out of flood zone 3b – the 'functional floodplain'. In turn, this would release it for residential development and the applicants have made no secret that this is their long term intention – and indeed the reason for submitting the current proposal. However, that potential for future development is not part of this proposal which seeks only to secure planning permission for the channel and bridge works.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Awaiting.

NORTON FITZWARREN PARISH COUNCIL – "The applicants make it clear in their application that, it will enable them to develop the site for approximately 600 properties. Yet there is little more than passing reference to this.

The Council therefore strongly objects to the application for the following reasons:

That the application as it is submitted is incomplete in that it is missing vital information, and so cannot reasonably be considered in isolation of that proposed further development.

To grant approval at this stage carries the risk of compromising on the benefits that can potentially be brought to the community through the proposed development when considered as a whole.

To cite just one example of why the Council feels this to be the case, there is no consideration given in the application to the route, construction, and especially drainage of the proposed relief road. The Council cannot therefore assess whether this application benefits or compromises the construction of that relief road, neither in engineering nor in financial terms.

The relief road must be built. Without it the village will not have received any benefit whatsoever from the development of the Old Cider site or future development of Ford Farm. In the Exhibition Display Material at the end of the Statement of Community Involvement information, the road is shown as no more than an estate road and the road junction at the B3227 end is not at all suitable for use as a relief road.

There is no evidence in the application of any discussions having taken place between Somerset County Council and the developers regarding the inclusion of a relief road.

The wording in a newsletter recently sent to Council from the developers states:

"Residential development could, in turn provide the funding which would allow for the completion of the by-pass around the village."

Council feels that this is much too vague a statement; the developers could argue in the future that any extra expense incurred in completing the flood alleviation works,

or a downturn in the housing market would make the completion of the by-pass uneconomical.

This application should clearly show that provision of the relief road has been taken into account and state that the flood alleviation works will in no way prejudice completion of the road”.

ENVIRONMENT AGENCY – The environment agency has no objection to the application, subject to the imposition of conditions that works are carried out in accordance with the Flood Risk Assessment and that full details of the Station Road bridge are submitted for prior approval.

HERITAGE AND LANDSCAPE OFFICER - Subject to protection of retained trees during construction and implementation of the proposed planting in the first available planting season, the scheme should provide a suitable flood channel scheme.

NATURE CONSERVATION & RESERVES OFFICERS - Habitats within the survey area include flowing water, broadleaf woodland, scattered trees, semi-improved grassland, floodplain grazing marsh, ruderal vegetation and scrub. Habitats bordering the site include orchard and railway.

EAD was commissioned by Barratt and Bellway Homes to undertake an Ecological Impact assessment (EclA) and a Landscape and Ecological management plan of the site.

The assessment included Extended phase 1 habitat survey and surveys for invertebrates, fish, amphibians, and reptiles, breeding birds, badgers, bats, otters and water vole.

Findings of the reports are as follows:

Invertebrates – The orchard was considered the most valuable habitat on site for invertebrates. I support the proposal to create deadwood habitat in the orchard.

Fish – Ford Farm ditch, unlike sections of Halse water upstream of Station Road, was considered unsuitable for bullhead and brook lamprey. The ditch may support other fish species intermittently following floods in Halse water.

I support the proposal for a fish removal exercise to be undertaken by the applicant and agree that a method statement agreed with the Environment Agency is required.

Amphibians – The ditch was considered unlikely to provide breeding habitat for amphibians but the adjoining riparian vegetation could provide feeding habitat, as could the ditch when there is no flow.

I support the surveyor’s recommendation that a method statement, including a hand search, be produced to avoid impacts on great crested newts. A Natural England licence may be required.

Reptiles – Slowworm and common lizard were recorded within the riparian zone associated with the ditch. I support the surveyor’s recommendation that a reptile exclusion and translocation be undertaken.

Breeding birds – Habitat on site provided nesting and foraging habitat for a number of birds. No kingfisher or sand martins were recorded along the reach.

I support the surveyors recommendation that vegetation clearance take place outside of the nesting period and that the developer provide some biodiversity gain for birds.

Badgers – No badger setts were found within or immediately adjacent to the survey area, although a badger was observed during survey
I support the badger protection measures proposed by the developer.

Bats – A serotine, natters and pipistrelle bat roost in building 5 on site and four trees have potential to support bat roosts, although no bats were recorded in the trees during the dawn swarming surveys. The building and trees will be unaffected by the development.

The surveyor recorded several bats on site and considered that the woodland, trees, scrub and the ditch provide foraging and movement corridors for bats. The removal of scattered trees will reduce the value of this corridor for bats although the proposed tree and shrub planting will restore the flight corridor in the medium term.

Otters – An active otter holt was recorded at the base of a large willow in the northern section of the western part of Ford farm ditch and an artificial in active holt was recorded 26m to the north of the eastern Ditch/ Halse water confluence.
All riparian woodland and scrub was considered to provide potential for further holts.
I support the proposal for an otter resurvey to be undertaken prior to the construction and for a licence application to Natural England.

Water vole – No evidence of water voles was recorded although they have been recorded in the surrounding area.

I agree that resurvey should take place prior to the start of construction.

The reports concluded that the works, during and post construction, could lead to adverse habitats and species without the proposed mitigation and enhancement.
In accordance with PPS 9 I would expect to see wildlife protected and accommodated in this development and so suggest the following condition

NATURAL ENGLAND – Natural England fully support the comments made by Barbara Colliler, the Nature Conservation and Reserves Officer, in particular with reference to the active otter holt and the re-survey for water vole as described in EAD's ecological impact assessment dated Oct 2010.

DRAINAGE ENGINEER – No comments received.

FORWARD PLAN & REGENERATION UNIT – No comments received.

SCC - RIGHTS OF WAY - An application will need to be made to Taunton Deane Borough Council to divert the footpath. Please note that a plan will need to be requested to determine the precise line of the existing path as I believe it has been incorrectly shown on Drawing TD485_10D, particularly where it exits onto Station Road. However, in principle we are supportive of the proposed diversion.

Representations

2 letters raising NO OBJECTION have been received. However, the following comments are made:

- This will lead to further housing – the village already has too many houses for the road system we have or planned.
- The field at Ford Farm is the ideal green area for walkers and recreational purposes.
- The site is a floodplain and protects Norton and Taunton. The more work done on the flood channel, the faster you get the water to Taunton, increasing the risk of flooding.

3 letters of OBJECTION have been received raising the following issues:

- The proposal is in essence to build a moat around a flood plain.
- There is only one reason for the proposed development – to allow new housing. Norton Fitzwarren has more than met the quota required by the Government for new homes. There is insufficient infrastructure in Norton Fitzwarren for more new housing.
- The developers have confirmed that the application will be followed by an application for residential development. You should not be allowed to develop on flood plains.
- Now that housing numbers have been reduced by 4000, there is no longer any need for this development to take place.
- The site has always been a floodplain and grade A agricultural land. The Priestly report stated that no development should take place on this site.

Despite raising objection, letters also made the following comments:

- The bridge at Station Road should be replaced as should the flood alleviation work at Stembridge Way and Kingdoms Lane.

PLANNING POLICIES

EN28 - TDBCLP - Development and Flood Risk,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN12 - TDBCLP - Landscape Character Areas,
PPS9 - Biodiversity and Geological Conservation,
PPS25 - Development and Flood Risk,
PPS23 - Planning and Pollution Control,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this development are the principle of the development, the landscape impact, ecological impact and flood risk.

Principle

The proposal seeks to improve the flow of water through Ford Farm to remove the site from the functional floodplain, thus reducing its risk of flooding. As a consequence, the proposals would also reduce the risk of flooding to existing residential properties, by preventing water backing up – particularly under Station

Road. As noted above, it is clear that the proposal is intended to allow Ford Farm to be developed, but this is not the subject of the current proposal. Most of the objection to the application is as a result of concerns relating to future development, but these views do not weigh heavily in the consideration of this proposal.

The comments of the Parish Council are noted. However, the provision of a relief road would be the subject of any future application for development of the site. It is not appropriate to consider precise routes of such a road as part of this application. Ultimately, if any future development proposals require such a road, it will have to be shown as deliverable at that stage.

Landscape impact

The Council's Landscape Officer has considered the proposals and, subject to the protection of retained trees throughout the development, is satisfied that the proposal is acceptable. A detailed landscaping scheme has been submitted with the application and its implementation and maintenance should be the subject of a planning condition.

Ecological impact

The submitted ecological report indicates that there are a number of protected species within the site, that could be impacted upon by the proposed development. The Biodiversity Officer and Natural England consider that acceptable mitigation measures can be put in place that will protect wildlife interests, supported by additional survey work immediately prior to the commencement of the development. This can be dealt with by conditions.

Flood risk

The proposal will reduce the flood risk of the site and also of surrounding properties. The Environment Agency has considered the proposal in detail and does not consider that it would lead to an increase in off site flooding. They recommend that conditions (3) and (4) above are imposed on any grant of planning permission.

Other matters

At the time of writing, no comments have been received from the Local Highway Authority. They are involved in this proposal insofar as works are required to the public highway in the form of a replacement bridge on Station Road. However, the development, itself, is not dependent on highway works and the works will not affect highway safety. It is considered that the Local Highway Authority will need to approve the works through their own legal agreements with the developer and as such they will retain control. As such, their lack of response need not hold up the grant of planning permission.

The proposal will require the existing line of the public right of way (PROW) through the site to be diverted. SCC's PROW team have commented that they consider the proposed diversion route to be acceptable in principle and, accordingly, it is not considered that the proposal would lead to unacceptable impacts on the usability of this route.

Conclusion

The proposal is considered to provide an acceptable flood channel scheme that will reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. The detailed design of the Station Road bridge can be the subject of a planning condition. With regard to these matters, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454