

25/12/0021

BARRATT HOMES EXETER

ERECTION OF 32 NO. DWELLINGS WITH ASSOCIATED GARAGES AND LANDSCAPING AT THE OLD CIDER WORKS, NORTON FITZWARREN

Grid Reference: 319736.125623

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the formal comments of the Environment Agency and clarification over outstanding Highways issues: Conditional Approval

The proposed development is considered to be an acceptably designed re-plan of the extant planning permission for this site, not impacting unreasonably upon the visual or residential amenities of the area or highway safety and providing for adequate parking provision in accordance with retained Policy M4 of the Taunton Deane Local Plan. The proposal is, therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in the National Planning Policy Framework.

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:

(A3) DrNo 1127/39/03 Elevations and Plans
(A3) DrNo 1127/39/02 Elevations and Plans
(A3) DrNo 1127/39/01 Elevations and Plans
(A3) DrNo 1127/38/10A Elevations
(A3) DrNo 1127/38/02 First Floor Plan
(A3) DrNo 1127/38/01 Ground Floor Plan
(A3) DrNo 1127/37/11A Elevations
(A3) DrNo 1127/37/10A Elevations
(A3) DrNo 1127/37/01 Ground Floor Plan
(A3) DrNo 1127/36/11A Elevations
(A3) DrNo 1127/36/10A Elevations

(A3) DrNo 1127/36/02 First Floor Plan
(A3) DrNo 1127/35/10A Elevations
(A3) DrNo 1127/35/02 First Floor Plan
(A3) DrNo 1127/35/01 Ground Floor Plan
(A3) DrNo 1127/34/11A Elevations
(A3) DrNo 1127/34/10A Elevations
(A3) DrNo 1127/34/03 First Floor Plan
(A3) DrNo 1127/34/02 Ground Floor Plan
(A3) DrNo 1127/34/01 Ground Floor Plan
(A3) DrNo 1127/33/10A Elevations
(A3) DrNo 1127/33/03 Second Floor Plan
(A3) DrNo 1127/33/02 First Floor Plan
(A3) DrNo 1127/33/01 Ground Floor Plan
(A3) DrNo 1127/32/12A Elevations
(A3) DrNo 1127/32/11A Elevations
(A3) DrNo 1127/32/10A Elevations
(A3) DrNo 1127/32/02 First Floor Plan
(A3) DrNo 1127/32/01 Ground Floor Plan
(A3) DrNo 1127/31/15A Elevations
(A3) DrNo 1127/31/14A Elevations
(A3) DrNo 1127/31/13A Elevations
(A3) DrNo 1127/31/12A Elevations
(A3) DrNo 1127/31/11A Elevations
(A3) DrNo 1127/31/10A Elevations
(A3) DrNo 1127/31/04 First Floor Plan
(A3) DrNo 1127/31/03 First Floor Plan
(A3) DrNo 1127/31/02 Ground Floor Plan
(A3) DrNo 1127/31/01 Ground Floor Plan
(A3) Parking Schedule
(A3) DrNo 1127/07/02 Wall and Railing Details
(A3) DrNo 1127/07/01 Fence Detail
(A3) DrNo 1127/06A Site Context Plan
(A3) DrNo 1127/05A Materials Layout Plan
(A3) DrNo 1127/04 Site Location Plan
(A3) DrNo 1127/03A Storey Heights Plan
(A1) DrNo 1127/02/02A Street Scenes Sheet 2 of 2
(A1) DrNo 1127/02/01A Street Scenes Sheet 1 of 2
(A2) DrNo 1127/01B Site Layout Plan

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

3. Any boundary walls shall be constructed of the same materials as the dwelling to which they relate unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate materials are used in the construction of the boundary walls, in the interests of the visual amenities of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The section of the relief road immediately to the south of the development hereby permitted shall be constructed at least as far as would allow access to

the development hereby permitted via the said road prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure that access to the site is gained via the relief road so as not to put additional loading on the existing junction of the site with the B3227 to the north above and beyond that which was expected when the original development was conceived, in the interests of highway safety in accordance with policy DM1 of the Taunton Deane Core Strategy and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. The LAP indicated on the site layout plan hereby permitted shall be laid out in accordance with details that were approved in respect of application 25/06/0020 on 24 November 2011. The site shall be enclosed by railings as indicated on drawing 1127/07/02 and shall be available for use prior to the occupation of 80% of the dwellings hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate children's play facilities are available for the residents of the development hereby permitted in accordance with retained Policy C4 of the Taunton Deane Local Plan.

6. No dwelling shall be occupied until that part of the service/estate road that gives access to it and any associated parking facilities have been provided in accordance with the details shown the plans hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. Conditions as may be recommended by the Environment Agency.

Notes for compliance

PROPOSAL

This application seeks to 're-plan' part of the Old Cider Factory development at Norton Fitzwarren. The area of the site in question was formerly to be developed by Strongvox but is now to be built out by Barratt, who have developed much of the remainder of the site. The basic building positioning, scale and layout would remain the same, as would the existing road layout. There would be no increase in numbers of dwellings on the site, and four less parking spaces would be provided as a consequence of the re-plan.

SITE DESCRIPTION AND HISTORY

The site is a residential development site in the centre of Norton Fitzwarren.

Permission (reference 25/06/0020) was granted in 2007 for the redevelopment of the former cider factory to provide 389 dwellings, a village centre, part of the Norton Fitzwarren relief road and employment buildings.

The part of the site in question is in the southeast corner of the site at the point where the proposed relief road crosses the Halse Water. Beauford park mobile home site lies on the opposite side of the river to the northeast. A public footpath from Prowses Meadow to the north passes through this part of the site and continues over the relief road and railway line to the south.

This part of the site originally proposed a mix of 2 and 2.5 storey dwellings with a 3 storey block of flats at either end of a stretch of terraced dwellings that were to run along the new relief road. Those 3 storey blocks of flats are outside the current application site so will be developed as per the original permission.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – make the following comments:

- Visibility splays are required at various points on the site and have been agreed as part of the Section 38 Agreement technical audit process.
- Drive lengths need to be 6m or 10.5m across the site.
- Any proposed lighting units should not interfere with vehicle accesses.
- Planting adjacent to the prospective public highway boundaries will need to be supported by the submission of a planting schedule to SCC.

Conditions are recommended requiring vehicle wheel washing facilities to be installed; access drives to incorporate pedestrian visibility splays; surface water not to be disposed of onto the highway; access roads to be constructed prior to occupation; gradients of drives not to be greater than 1 in 10; and areas of hardstanding in front of garages to be at least 6m in length.

NORTON FITZWARREN PARISH COUNCIL – Raise the following concerns:

- Seek assurance that the relief road to the south of these properties will be completed prior to commencement.
- The 3-storey flats at the eastern end are reduced to 2-storey as they will overshadow properties on Beauford Park.
- Query whether the northern bank of the Halse Water by Beauford Park can be strengthened.
- Seek confirmation that landscaping would be carried out along the Halse Water between the site and Beauford Park.
- Appropriate safety fencing should be installed around the play area due to its proximity to the river.
- Clarification is sought as to the affordable houses on site.
- The pedestrian crossing over the relief road is not shown on the plans.
- Parking should not be allowed on the relief road and a speed limit of 30mph should be enforced.
- A screw auger should be used when pile driving to prevent vibration to the

adjacent dwellings.

SCC - RIGHTS OF WAY – The recently diverted public footpath T18/4 dissects the site and has been taken into account in the layout. The width of the path is 3 metres.

My colleague (Transport and Development Group) has already referred to requirements for visibility splays where there are junctions with the access road and the footway. I understand that rights for cyclists are to be achieved over part of the footpath and consideration will need to be given as to the best method of securing those higher rights.

The site layout plan also indicates bollards and chicanes, presumably requirements for public safety. These will require separate authorisation under S66 Highways Act.

Presuming the vehicular access across the footpath will remain unadopted, the applicant needs to be confident that they have the necessary authority to convey private vehicular rights over the public footpath to all those that may require those rights otherwise future vehicular use across the footpath could be committing a criminal activity.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Makes comments about the requirement for additional authorisation from SCC in certain circumstances.

Representations

Ward Councillor – Ken Hayward – raises the following concerns:

- The pedestrian crossing across the relief road is not shown on the plan. This should be provided in the location previously agreed. The relief road and this crossing should be provided prior to the commencement of this proposed development.
- The 3-storey flats at the eastern end will overshadow Beaford Park and should be reduced to 2-storeys.
- The northern bank of the Halse Water is collapsing and undermining the gardens of the properties in Beauford Park. It is believed that flood mitigation works carried out to date have contributed to this problem. A condition should be attached stating that the river bank should be reinforced with gabion cages and the bank landscaped.
- The proximity of the proposed play area to the river. There is no detail of any appropriate safety fencing around the proposed play area.
- There is no detail of landscaping to be carried out along the southern bank of the Halse Water.
- As we cannot anticipate the relief road being completed right through to the B3227 west of the village for the foreseeable future, new residents may choose to park along the new road as far as it is constructed. No parking should be established along the length of the road from Silk Mills through to Station Road from Day One.
- Conditions should be attached to control dust, vibration and hours of working

during the construction phase.

13 letters of OBJECTION has been received, raising the following issues:

- Query whether the relief road has been abandoned – there does not appear to be sufficient space for the road in the development.
- The relief road must be provided prior to the commencement of development.
- Dwellings will face directly onto the relief road and railway line which is undesirable.
- The proposals are an overdevelopment of the site. There are already too many houses on the site. The re-plan is too dense.
- The plans also show 18 flats, which is a total of 50 dwellings, not 18 as suggested.
- 42 parking spaces for the development and the two off-site blocks of apartments (a further 18 dwellings) is not acceptable. The lack of parking at the northern end of Station Road is a good example of the problems at this site.
- More parking than the statutory minimum should be provided.
- It is not accepted that this development will have no impact on increasing the flood risk to existing properties, especially in Station Road. The flood relief work must be completed.
- The security of Beauford Park residents must be respected.
- The consortium are yet to fulfil their obligations regarding the relief road and bridge.
- The Consortium must not be allowed to build any higher than the 2-2.5 storey dwellings indicated on the plans.

1 letter raising NO COMMENT on the basis that the application seems to be just altering the appearance of what has already been passed.

PLANNING POLICIES

T5 - TDBCLP - Housing Allocations (Norton Fitzwarren),
S&ENPP49 - S&ENP - Transport Requirements of New Development,
M4 - TDBCLP - Residential Parking Provision,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The principle of the development is established by the previous grant of planning permission and cannot be revisited as a consequence of this application. The proposal indicates no increase in dwellings so the main considerations relate to the amended layout and design.

In layout terms, the general arrangement of dwellings is very similar to that previously approved. In particular, the previous proposal for terraced housing along the relief road at the southern end would remain unaltered, albeit there would be some variation to the detailed design of these dwellings. Within the site more detached and semi detached dwellings are proposed, which is also akin to the

previous permission. Access to parking courts will be from the already approved estate road and these will serve the dwellings along the relief road that have no private vehicular access.

In total, 76 parking spaces are indicated on the plans to serve the 50 dwellings in this area (32 within the application site and 18 flats off-site, but served from within). This is a reduction of 4 parking spaces from the 80 shown on the original permission, but is still provision at a rate in excess of 1.5 per dwelling, the maximum standard set by retained policy M4 of the Taunton Deane Local Plan.

On close inspection, it does not appear that all of the comments of the Local Highway Authority have been taken into account in the detailed layout submitted. At the time of writing, it is understood that most of these comments are more properly addressed through the Section 38 road adoption agreement, but clarification is being sought and if amendment is necessary, members will be updated at the meeting.

In terms of the detailed design, the proposed dwellings are generally well proportioned and are compatible with those that have been built on the remaining part of the estate. The materials palette will remain the same as those previously approved and built. Various amendments have been made to the detailed design through consideration of the application and they are now considered to be appropriate for the site, in the context of the existing permission.

The Local Highway Authority have recommended various conditions. However, it is considered that vehicle cleaning facilities can be adequately managed as part of the wider site construction, a surface water drainage strategy exists for the whole site, and the site is flat, so drive gradients will not be steep. The recommended conditions are therefore not considered necessary. Concern has been raised by local residents that the foundations should be screw driven rather than piled. However, this was not a requirement of the previous condition and is not considered a matter that should be controlled through the planning process. There has also been concern raised about the two blocks of flats at either end of this parcel of the development. However, these do not form part of this application.

Concern has been raised over the impact that the development (as a whole) has had on erosion on the banks of the Halse Water. The Environment Agency do not consider this to be the case. In any case, the site wide flood risk, channel improvement and drainage strategies have all be dealt with by the original planning permission and it is not considered that these matters carry significant weight in dealing with this re-plan of a small part of the overall site. The final comments of the Environment Agency are awaited, but given that this is simply a re-plan they have verbally confirmed that they do not expect to raise any objection to the scheme.

With regard to the above, the proposal is considered to be acceptable and 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 1998.

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