

49/17/0060

LONE STAR PROPERTY LLP

Application for Outline Planning Permission with all matters reserved, except for access, for a residential development of up to 71 No. dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe

Location: LAND OFF BURGES LANE, WIVELISCOMBE, TA4 2LN

Grid Reference: 308452.128118

Outline Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to the applicant entering into a Section 106 Agreement to secure the following

(a) Affordable housing - provision of 25% of the dwellings for affordable housing, of which 60% based on social rent and 40% intermediate model

(b) Travel Plan - Implementation of an agreed (pre completion of the S106 Agreement) Travel Plan including all necessary fees, safeguarding sums and implementation and monitoring framework.

(c) Additional play equipment to be provided on the existing public open space developed as part of phases 1 and 2

Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) internal access roads and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- (A3) DrNo AQ1 Predicted Odour Impact
- (A0) DrNo P2100A Topographical Survey
- (A3) DrNo 13115/4020 B Scale Parameter Plan
- (A3) DrNo 13115/4010 B Access & Movement Parameter Plan
- (A3) DrNo 13115/2000 B Constraints & Opportunities
- (A3) DrNo 13115/1030 C Location Plan
- (A3) DrNo 13115/1000 B Illustrative Framework with Red Line Plan

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

3. No work shall commence on the development hereby permitted until details of the proposed accesses to Burgess Lane and Heathstock Hill have been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling served by that access is first occupied and thereafter retained as such.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction work discontinues.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times

Reason: In the interests of highway safety and to comply with policy DM1 and CP8 of the Taunton and Deane Core Strategy.

6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

7. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

8. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

9. None of the dwellings hereby permitted shall be occupied until the developer has applied for a Traffic Regulation Order(s) (TRO) involving the movement of the 30 mph zone and any necessary infrastructure work on Heathstock Hill, and a second TRO to restrict on street parking near the newly installed junction onto Ford Street/ Heathstock Hill. Both TROs shall then be advertised and if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation or as agreed by the Local Planning Authority.

Reason: To allow the Local Planning Authority to further consider the need for any Traffic Regulation Order in relation to the movement of the existing 30mph speed restriction zone and any separate order relating to prevention of on street parking in the vicinity of the new junction onto Ford Street in the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and DM1 of the Taunton Deane Core Strategy.

11. The parking spaces in any garages that may be approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use. Such garages shall not be converted into additional living accommodation without a further grant of planning permission.

Reason: It is considered that there are currently on street parking and parking capacity issues in this part of the town and to ensure that there is sufficient potential on site capacity for car parking within the development hereby approved.

12. The development hereby permitted shall not be carried out other than in complete accordance with the recommendations and biodiversity enhancements set out in the Extended Phase 1 Habitat report dated August 2017. All existing hedgerows bordering and within the site shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval.

Reason: To ensure that wildlife is not prejudiced by the development hereby permitted and that future provision is made to ensure the protection of such hedgerows in the interests of complying with policy CP8 and ENV1 of the Taunton Deane Core Strategy and SADMP

13. No development or phase of development hereby permitted, including any site clearance or vegetation removal, shall commence until a bat and dormouse mitigation and enhancement strategy has been submitted to and agreed in writing by the local planning authority. The strategy is to be informed by the surveys set out in the email from GS Ecology to Larry Burrows dated 19 January 2018. The measures in the strategy shall thereafter be implemented in full accordance with the submitted details unless otherwise agreed in writing by the local planning authority and thereafter retained as such.

Reason: To ensure that bats and dormouse, which are protected species and a material consideration in the planning process, are not adversely affected by the proposals and that their favourable conservation status is not compromised as a result of the development

14. Prior to the occupation of 75% of the total number of dwellings on the site the proposed allotments shall be delivered and completed and made available for use in accordance with a written scheme and plan to include matters of layout and levels etc. to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure compliance with the Taunton Deane SADMP policy C2.

Notes to Applicant

1. The applicant will be required to secure appropriate legal agreement(s) for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting. The developer is further advised of the stated shortcomings of the Transport Assessment submitted with the application. The Highway Authority may require further clarification and details submitted as part of any application for approval of reserved matters.

Proposal

This application seeks outline planning permission for the residential development of up to 71 dwellings on land to the north of Burges Lane, Wiveliscombe. Approval is sought for access at this stage, with appearance, landscaping, layout and scale reserved for subsequent consideration.

Access is proposed from a widened and realigned Burges Lane (the widening and realignment works already benefiting from a resolution to grant permission) and to a small extent from Heathstock Hill (also referred to as Ford Road). Burges Lane has now been widened. Two new estate roads would be formed through T-junctions from this road into the site. Frontage development with private access points would also be provided from Burges Lane. From Heathstock Hill, access is indicated for 3 individual properties behind a new footway and repositioned boundary hedge. There would be no access to the wider site from this point.

Whilst layout is a reserved matter, an illustrative masterplan has shown that the site could be laid out with dwellings arranged around an internal estate loop road in the eastern field, broadly following a 'perimeter block principle. 3 dwellings would front Heathstock Hill on the eastern most part of the site. A car park could also be laid out to provide additional parking facilities for existing properties on Burges lane. In the western field, dwellings could be arranged around a cul-de-sac that would continue into the adjoining field to the north where allotments would be provided for this development and the adjoining development to the west. This would remove the need to provide allotments on the adjoining area of public open space and a greater area of that site could be given over to recreation and children's play to meet the needs of the adjoining and this development.

Site Description

The site lies to the north of Wiveliscombe and currently comprises two agricultural grazing fields. The site is generally flat at its western extent but rises sharply to the northeast. The site is approximately 2.6 hectares in extent.

Burges Lane lies to the south, which has dwellings fronting it and facing the site along most of its length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in such that it is significantly below the level of the site, which is currently retained by a grass bank. Towards the western end of the site, the boundary sits level with the highway, with the eastern most extent being a stone boundary wall. The hedgerow which did border Burges Lane and the lower part of Heathstock Hill has now been removed.

The eastern site boundary with Heathstock Hill is formed by a grass bank which rises steeply towards the north of the site. Four dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining new housing built under phase 1 and 2.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has now been completed following a grant of planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. As part of Phase 2 a link road has now been built from the site through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane has also been widened and the junction with Ford Road altered to improve visibility in the form also detailed in the current application. The former hedgerow boundary to Burges Lane has now been removed along with part of the hedgerow along Heathstock Hill. A public footpath separated from the site by a stone wall runs along the western boundary of the site. Approximately 120 metres to the north west of the residential site lies a sewage treatment works.

Planning applications were made on this site in the early 1990s, and refused for reasons that the site was outside the settlement limit, prejudicing the consideration

of the Taunton Deane Local Plan and potentially intrusive in the landscape. The site has now been allocated for residential development in the adopted Site Allocations and Development Management Policies Plan (SADMPP) 2016. The northern part of this wider allocation on rising land to the north of the current application site is however reserved for public open space given its greater visual sensitivity.

The application is in effect a renewal of the earlier approval in outline form granted under reference 49/13/0015 which was the subject of a Committee report and resolution in May 2013. The application was approved subject to a Section 106 agreement which sought the following local benefits -

- (a) Affordable Housing – Provision of 25% of the dwellings for affordable housing, of which 60% social rent; 40% intermediate. Added to this the S106 would also include a local connection clause.
- (b) Education – Payment of £184,690 to expand pupil capacity at Kingsmead School. Payment of £171,598 to expand pupil capacity at Wiveliscombe Primary School. Contributions should be given pro-rata per dwelling in the event that a different final number of dwellings is proposed.
- (c) Children's play – provision of additional equipment on adjoining permitted children's play area and laying out of the area previously shown for allotment provision as public open space.
- (d) Provision of 1850 sq. Metres allotments on land to the northeast of the site, including access and parking facilities.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Payment of £1,454 towards improving active outdoor recreation contributions in Wiveliscombe.
- (g) Travel Plan – Implementation of an agreed (pre-completion of the agreement) travel plan, if a suitable condition cannot be agreed.

The eventual decision following the completion of the S106 was issued on 27 February 2015. Following this approval an application for Reserved Matters (all details except for landscaping submitted) was approved under permission 49/15/0051 on 7 April 2016. The failure to approve matters relating to landscaping has now meant that the outline permission has now lapsed and a new application needs to be made. This new application is made by the same applicant as previously with the same landowners served notice.

The application includes an indicative layout showing how the proposed 71 dwellings would be potentially accommodated on the site. This plan is the same plan submitted under the earlier outline application.

The application now submitted is supported by the following documents

- Planning Statement
- Design and Access Statement

- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Odour Impact Assessment
- Extended Phase 1 Habitat Report
- Arboricultural Statement

The application proposes 25% of the units to be affordable (18 units).

In addition to the residential development the site boundary extends along the north-west boundary to provide a finger of land to be used for allotment gardens

Relevant Planning History

49/12/0052 – Full planning permission for erection of 20 no. dwellings on land to the north of Style road, Wiveliscombe as amended – approved 30 May 2013 (Phase 1)

49/13/0042 - Variation of condition no 2 (list of approved plans) to application number 49/12/0052 on land to the north of Style road, Wiveliscombe – approved 13 December 2013 (Phase 1)

49/13/0001 – Full planning permission for residential development comprising of 32 dwellings with associated works and landscaping and construction of link road to Heathstock Hill at land to north of Style road, Wiveliscombe – approved 19 August 2013 (Phase 2)

49/13/0015 - Outline planning permission for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges lane, Wiveliscombe – approved 27 February 2014 (Phase 3)

49/15/0051 – Approval of reserved matters following outline application 49/13/0015 for associated layout, scale and appearance (phase 3) on land to the north of Burges lane, Wiveliscombe – approved 7 April 2016 (Phase 3)

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - The Town Council **objects** to this application for the following reasons:

In the core strategy it states that if more than five houses are built, 25% of these need to be affordable housing subject to viability. The Wiveliscombe want a guaranteed minimum of 25% of this development to be affordable housing.

Access-The Town Council are very concerned about safety issues in giving access directly on to Ford Road for three new properties. Access to all these new properties should be through the new estate road and not directly from or to Ford Road.

The current access to the proposed site from Ford Road is dangerous and this has

already been reported to highways. The Town Council recommend that highways survey this busy junction and introduce safety measures.

All the documents provided with the application are approximately five years out of date, as there is no Bank in the Town, and the doctor's surgery has moved.

SCC - TRANSPORT DEVELOPMENT GROUP - SCC - TRANSPORT DEVELOPMENT GROUP -

The Highway Authority has the following observations on the highway and transportation aspects of this proposal following consideration of the application details and a site visit carried out on 14 December 2017.

This application is for outline permission only for a development of up to 71 new dwellings, with access not being a reserved matter.

Traffic Impact

A Transport Assessment (TA) produced by LvW Highways was submitted in support of the outline application and a peer review of this TA has subsequently been undertaken. This peer review, undertaken by WSP on behalf of the Highway Authority, has identified the following concerns:

The distribution of traffic has been undertaken on a 'first principles' basis, but as the methodology used any assumptions made have not been clearly stated the validity of the trip distribution used cannot be confirmed; and

No background data/ calculations have been provided with regard to the stated traffic impacts, preventing validity being confirmed.

While the applicant states that the principle of development at this location has been firmly established, and it is accepted that the traffic impact of this development on the overall highway network is likely to be moderate and not a reason to recommend refusal in itself, the Highway Authority is mindful that access is not a reserved matter in this application.

With this in mind, while the Highway Authority does not object to the principle of this development, it considers that a revised TA should be submitted that addresses the issues above to clearly and robustly identify the likely impact of this development, demonstrating that the proposed access arrangements are appropriate.

Travel Plan -

A Travel Plan (TP) supporting this application has been prepared by LvW Highways, and this has been audited by the Highway Authority's Travel Planning team. The audit concluded that the TP is generally acceptable, with some minor amendments needed before approval. An audit report can be made available to the applicant to help finalise the TP.

However, one issue that needs clarification is the availability of a safe route from the proposed development to the nearest primary school, as it appears this may require parents and children to walk or cycle along narrow roads with no footpaths. With this in mind it is recommended that the applicant submit a context plan that includes consideration of school routes, identifying any gaps in the network and proposing suitable mitigation if necessary.

The Highway Authority also recommends that the TP, and appropriate fee and safeguarding sum together with any mitigation measures identified as necessary, be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

Parking -

The optimal parking provision for this site is set out in the adopted Somerset County Council Parking Strategy (SPS). The applicant also refers to the Local Planning Authority's published maximum parking rates in the Adopted Site Allocations and Development Management Plan (DMP).

For a residential development in this location, the optimal car parking provision for each type of dwelling would be:

| Dwelling Type | SPS Optimum spaces | DMP Maximum spaces |
|----------------------|---------------------------|---------------------------|
| 1 Bed | 1.5 | 1 |
| 2 Bed | 2 | 2 |
| 3 Bed | 2.5 | 3 |
| 4 or more Bed | 3 | 3.5 |
| + Visitors | 0.2/dwelling | 0.2/dwelling |

An indicative layout has been included in the Design and Access Statement (DAS) for the development, but this has not been assessed at this time as the application is outline only and layout is a reserved matter. Adequate allowance should be made for unallocated visitor parking within the final estate design, as the developer should not assume ad-hoc spaces will be available on-street to cater for visitors as this can lead to obstruction and safety issues.

The applicant states in the submitted TA that 227 car parking spaces are to be provided, on the assumption that all 71 dwellings will be three-bed. In addition, there is an intention to provide a 14 space car park as part of the development, to provide extra facilities for existing residents. The Highway Authority is aware that parking is at a premium in this location, and would not wish to see this made worse as a result of the proposed development. Therefore while the parking provision is above the optimum level set within the SPS the Highway Authority would not raise an objection on this basis.

However, while additional car parking facilities are proposed to address the existing parking issues on Burgess Lane, which it is understood may be causing particular concern at the junction with Heathstock Hill, waiting restrictions may also be required to encourage use of the proposed parking areas instead of the highway. It is recommended that a condition be applied to any planning consent requiring the applicant to apply for the necessary TRO as part of the off-site works for this development, should the Local Planning Authority determine this is required. The TA states that appropriate secure cycle parking facilities will be provided (one space per bedroom) and locking posts will be installed for motorcycles, on request. It is stated that electric vehicle charging facilities will be provided as deemed necessary by the Local Planning Authority, and in accordance with the SPS each dwelling should have access to such a charging point to encourage the ownership

and use of such vehicles

Highway Works - Access

Four new accesses are proposed from Burgess Lane, to serve a new internal estate road and three parking courts. These are shown on an indicative plan, but no dimensions or other details have been provided. While there is no objection in principle to this layout, insufficient information has been provided to confirm that the proposed access arrangements are suitable. For example, while the TA states that appropriate visibility will be provided at the accesses, no plans have been provided to demonstrate that this is achievable in practice.

In addition, three private accesses are proposed direct from B3188. While there is some concern about providing separate accesses from this classified road, it is noted that the applicant also intends to apply for the extension of the 30mph limit and to provide a new footway along this section of Heathstock Hill, and the proposals allow for vehicle egress in forward gear. The Highway Authority therefore does not raise any objection to the principle of these accesses. However, again the details are limited and it is unclear, for example, whether appropriate visibility will be provided from the accesses for pedestrians using the footway.

With the above in mind, while the Highway Authority does not object to the principle of the access provision for this development, the details provided in the application are not considered sufficient to determine whether suitable safe and convenient access is achievable in practice. While it is acknowledged that the application is outline only, access is not a reserved matter, and the Highway Authority recommends that suitable condition be applied to any planning consent for the subsequent approval of the details of the accesses, to the Local Planning Authority's satisfaction.

A Technical and Safety Audit report can be provided to the applicant to help in the detailed design of the proposed accesses.

Estate Roads

The application is outline only (access not reserved), and as such the applicant has only submitted an indicative site layout, with plans of limited detail from which scale measurements have not been possible.

However, it is apparent that the development will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC) regime. However, the applicant may wish instead to put forward roads and footpaths for adoption as maintainable at the public expense. While no presumption should be made that any areas would be adopted, the proposals have been reviewed by the Highway Authority's estates roads team to identify any issues that may need to be addressed to assist the applicant developing designs suitable for future adoption. While this does not affect the granting of permission at this outline stage, the following information is provided to help the applicant develop a suitable layout for any future detailed/ reserve matters application.

Firstly, it should be noted that Burgess Lane is currently subject to a legal agreement, and as such no estate roads would be able to be adopted unless and until they can connect directly to an adopted public highway. The applicant should

also ensure they have appropriate permission to carry out works within Burgess Lane from any third party landowner.

The width of the estate road should be either 5.0m or 5.5m for type 4 bituminous macadam carriageways with 2.0m wide footways. Block paved shared surface carriageways should be a minimum width of 5.0m with adoptable margins of either 500mm or 1000mm. The longitudinal gradients of these carriageways should be no steeper than 1:14 or flatter than 1:96 for bituminous carriageways and 1:80 for block paved shared surface carriageways. Adoptable turning heads should be constructed to the dimensions set out within 'Estate roads in Somerset – Design Guidance Notes' (Section 3.15).

Junctions leading out onto Style Road/ Burges Lane shall incorporate 6.0m radii with adoptable visibility splays based on dimensions of 2.4m x 43.0m in both directions. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining carriageway level. The gradients of the proposed access roads should not, at any point, be steeper than 1:20 for a distance of 10m from their junctions with the adjoining road.

Adoptable 17.0m forward visibility splays will be required throughout the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above the adjoining carriageway level and the full extent of the splays would be adopted. This comment applies equally to carriageway bends within the realigned Style Road/ Burges Lane, fronting Phase 3. The indicative site layout drawing shows a proposed footpath link running along part of the northern boundary of Phase 3 connecting it to the Public Open Space to the north-west. To assist in the movement of pedestrians and cyclists, it would seem appropriate if this link was constructed as a 3.0m wide footway/cycleway.

Drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Single parking bays should be 5.0m in length and bays butting up against any form of structure (planting, walls or footpaths etc), should be 5.5m in length, both measured from the back edge of the prospective public highway boundary. Tandem parking bays should be 10.5m in length, again, as measured from the public highway boundary.

Any planting within the adoptable areas will require payment by the developer of a commuted sum. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by the Highway Authority will be required for any tree planted either within the highway or immediately adjacent to it. A comprehensive planting schedule for any planting either within or immediately adjacent to the highway will need to be submitted for checking/ approval purposes.

Off-Site Works

The application proposals include a

erations to the existing public highway, which will need to be controlled by a suitable

legal agreement. A new 2m wide footway is proposed on the west side of Hatherstock Hill, from its junction with Burges Lane northwards on the site frontage. This proposal is accepted in principle by the Highway Authority, but the details would be subject to the normal technical approval process.

In addition, the applicant proposes to extend the existing 30mph speed limit so that it commences further northwards. This will require a Traffic Regulation Order (TRO), which will be subject to its own formal public consultation process. While the Highway Authority agrees at this stage to the principle of advertising a speed limit extension, the details of the proposal will need to be agreed with the Highway Authority prior to any TRO application, and subject to the technical approval process (including physical measures such as signing alterations) prior to implementation.

In addition, as Burgess Lane is currently subject to a separate legal agreement, the applicant should ensure they have appropriate permission from any third party landowner as required to carry out the works within Burgess Lane that are required as part of this development.

Drainage

The applicant has submitted a Flood Risk Assessment (FRA) in support of this application, prepared by Spring Design. The FRA has been reviewed by the Highway Authority's drainage engineer.

Substantial alterations will be required to the kerb drainage system along the northern channel line of Burges Lane to accommodate the new access road junction and other entrance points. This kerb drainage system was installed to overcome the extremely slack longitudinal channel line gradients resulting from the road widening exercise and any amendment to this element of the infrastructure could result in ponding. Further, as this kerb drainage system is constructed from one piece units then the introduction of dropped kerbs will impact upon its performance and capacity.

To reduce the potential for ponding it is advisable to design the junction of the new access road onto Burges Lane such that it falls northwards (back into the site) for at least 6 metres. This will help to encourage surface water run-off to discharge to the new channel lines as opposed to across the mouth of the junction.

The highway authority would have no objection to the proposal to remove the existing highway drain crossing the development land (to discharge into the watercourse running along the northern land boundary) provided it can be proven by survey that it serves to convey surface water run-off from Burges Lane only.

It is important to note, however, that this existing drainage run has the benefit of a Deed of Easement and as such Somerset County Council (SCC), as highway authority, has a legal interest over a defined strip of the application site. Whilst the applicant has applied for planning consent, such consent if granted will not extinguish the rights SCC has over the land. SCC can expressly agree to release these rights/ interests by entering into a Deed of Release with the owner(s) of the servient land. This will then formally terminate SCC's interest in that land and any related entries on their registered title can be removed. Therefore should consent be granted

the applicant is advised to make an initial enquiry with Somerset County Council's estates manager, Corporate Property.

Conclusions

The principal of this development has been established and the Highway Authority accepts that the impact on the overall highway network will not be severe, and thus does not object in principle to this application. Nevertheless, the submitted Transport Assessment will require amendment to confirm that the proposed access arrangements are appropriate, bearing in mind that access is not a reserved matter in this outline application.

A broadly acceptable Travel Plan has been submitted, which should be secured by an agreement under Section 106 of the Town and Country Planning Act 1990. A particular issue that was identified is the lack of clarity regarding safe routes to school from the development, and this should be addressed within the final plan (including proposals to mitigate any gaps within the network).

While the application is for outline permission, access is not a reserved matter. However, the details that have been provided are very limited, and it is recommended that a condition be imposed on any planning consent to require the applicant to submit appropriately detailed designs for approval by the Local Planning Authority. The revised Transport Assessment should inform these designs.

While the proposed estate layout is only indicative at this stage, the applicant has proposed parking provision in excess of the current standards. However, in view of the existing parking issues at this location the Highway Authority does not raise any objection to this. It is recommended that the application for a Traffic Regulation Order for the provision of waiting restrictions on Burgess Lane (at the junction with Heathstock Hill) be included as a condition on any planning consent to ensure any existing on-street parking is relocated off-street.

Potential issues have been highlighted regarding the estate roads to help the applicant design a layout suitable for future adoption, should they so wish. It should be noted that adoption would only be possible for roads with a direct link to the public highway. The identified issues do not affect the outline planning permission sought at this stage.

A number of improvements and alterations will be required to the existing public highway, and these will require the applicant to enter into a suitable legal agreement with the Highway Authority.

Issues have been identified regarding the management of surface water drainage issues, and these will need careful consideration during further design work on this proposed development.

With the above in mind, the Highway Authority recommends that the following conditions be imposed if planning permission is granted:

- No work shall commence on the development hereby permitted until details of the proposed accesses to Burgess Lane and Heathstock Hill have been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling served by

that access is first occupied;

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction work discontinues;
- The development hereby permitted shall not be occupied until the developer has applied for any Traffic Regulation Order (TRO) required by the Local Planning Authority. The TRO(s) shall then be advertised and if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation or as agreed by the Local Planning Authority;
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times;
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;

In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been

constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, any car parking area(s) within the development shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car park(s) being brought into use. The parking area(s) and access thereto shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access; and
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan.

The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

As work relating to this development will need to be undertaken within and adjacent to the existing public highway, the following note should be added to any planning certificate:

The applicant will be required to secure appropriate legal agreement(s) for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

LEAD LOCAL FLOOD AUTHORITY- The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not provided details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

SCC - ECOLOGY - SCC - ECOLOGY -

Thank you for consulting me on this application. An extended Phase 1 survey was carried out by Ruskins Group Consultancy in July 2017. This survey recorded that the site consisted of improved grassland managed as pasture, scattered trees and hedgerows.

The report states that 'There are several records of bats from the desktop survey within the search area, see appendix. Although there are no suitable potential roosting habitats on site, the pasture usage of the fields suggest that there is likely to be good foraging opportunities for bats'. However, no bat activity surveys have been carried out to evidence this statement and therefore an appropriate amount of replacement habitat as mitigation cannot be determined. There is a horseshoe bat summer and winter roost at the Old Brewery within 150 metres of the application site which may be important in supporting juveniles from that roost in their early bouts of flying. The site may also provide an important link from the roost to open countryside beyond and the site masterplan is taken up entirely with housing and infrastructure including street lighting. I would therefore advise that activity surveys be carried out to determine absence or presence and if so the use of the site by bats and the masterplan designed accordingly.

Under the Habitats Regulations Taunton Deane will need to assess whether the development would affect the 'Favourable Conservation Status' of this population prior to approval.

Hazel dormice, a European protected species, were considered potentially present in previous assessments and surveys were recommended. As designed gardens back on to hedgerows which should be avoided not least because future residents

could potentially breach the Habitats Regulations and / or the Wildlife and Countryside Act. Therefore dormice surveys should be carried out to inform the masterplan for the site.

SCC - CHIEF EDUCATION OFFICER - Views awaited

SCC - NOW HISTORIC ENV SERVICE(AS NOT PART OF SCC 2015) - No comments received.

WESSEX WATER –

Sewerage infrastructure

The site is adjacent to Wessex Water's Wiveliscombe Styles Sewage treatment works and the planning application is supported by an Odour Impact Assessment. Odour modelling predicts the development to be outside of the 5 ou/ m³ odour impact contour and we have no further issues to raise on this.

The developer has stated that proposed flows from this site are to outfall to existing foul and surface water sewers constructed as part of Phase 1 & 2, and that downstream sewers in Phase 1 & 2 have been designed to allow for the additional flows from Phase 3.

We agree in principal with this approach and the strategy shown on Drainage Strategy Plan 2146/500 Rev A Nov 2017.

We wish to provide the following advisory comments:

Foul and surface water discharges must be drained separately from the site.

Surface water must be disposed of in accordance with Suds Hierarchy and NPPF Guidelines with the discharge rate and flood risk measures agreed with the Lead Local Flood Authority.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Wessex Water will adopt sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction.

Water Infrastructure

A water supply can be made available from the local network with new water mains

installed under a requisition arrangement. The applicant should consult the Wessex Water website for further information on Section 41 Requisition Applications.
www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections.

DRAINAGE ENGINEER - No comments received

BIODIVERSITY - The application is for a repeat outline application for residential development on land off Burges lane, Wiveliscombe. An Extended phase 1 habitat report was carried out by Ruskins group Consultancy in December 2012. In July 2017 a further ecological appraisal of the land was carried out by RG Consultancy. Since the original survey a section of the site has been developed and now contains residential dwellings. The site consists of scattered broadleaf trees, improved grassland, and intact hedge and a wall.

LANDSCAPE - 1. The northern boundary of the development is quite weak. It should be reinforced with further landscaping.

2. Is the field to the north POS? On plan a footpath running the whole length of the field linking Heathstock Hill to the PROW is shown.

3. Rear gardens should not back directly onto the existing hedges as this will lead to inconsistent hedge management.

4. Does the allotment area need to project into the open countryside? Could it be redesigned? Also will the allotments be open to the PROW.

If a boundary is required this should be formed by native hedging.

TREE OFFICER - On the whole, this development should not affect any significant trees, of which there are few. The trees overhanging the northern part of the site should be OK with the allotments there. The only minor question is the house in the south west corner, north side of the link road, which looks to be within the rooting area of an adjacent off-site ash tree.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. The planning statement indicates that 18 dwellings could be delivered, which would meet the affordable housing requirement. As the application is in outline, no affordable housing mix has been provided. To meet the current demand, we would suggest the following:

Social Rent - 4 x 1b maisonette style flats with own access and garden area, 5 x 2b and 2 x 3b dwellings

Shared Ownership – 5 x 2 bed and 2 x 3 bed dwellings.

Whilst no indication of the location of the affordable units has been provided at this stage, these should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site and in clusters of no more than

15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

HOUSING STANDARDS - No comments received.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comments received

POLICE ARCHITECTURAL LIAISON OFFICER - Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the Taunton Deane Borough Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

Guidance is given considering '*Crime Prevention through Environmental Design*', '*Secured by Design*' principles and 'Safer Places.

Detailed layout guidance offered but this is more relevant to a full rather than this outline application

LEISURE DEVELOPMENT - No comments received. (Verbal comments received regarding the new provision for phases 1 and 2 being sufficient to cater for phase 3).

ENVIRONMENT AGENCY - No comments received. (no objections submitted on previous reserved matters application subject to conditions regarding surface and foul drainage systems and informative regarding SUDs schemes and their maintenance).

LEISURE DEVELOPMENT - No comments received. (Verbal comments received regarding the new provision for phases 1 and 2 being sufficient to

cater for phase 3).

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Representations Received

17 Letters of objection

1 letter of support

Objections raising the following points

- Concerned about parking on Willow Mead and surrounding areas
- Current parking problems will be exacerbated with indiscriminate parking already
- Concerned about surface water and maintenance responsibilities with development tapping into system being paid for by other residents
- Loss of Milverton surgery with people now using Wiveliscombe – lack of capacity will be made worse by this development
- No capacity in local school
- Access point is dangerous from Heathstock Hill
- Increased traffic will cause major disruption around Burges Lane and the town is already under traffic congestion pressure
- Loss of privacy from new housing towards Burges Lane properties – new dwellings will loom above existing
- Question if development is within the town boundary – see community plan for area.
- Should develop other brownfield sites first
- Lack of pavement on Ford Road – contractor's vehicles will be a danger to existing residents
- Concerned about impact of construction traffic on the area generally
- Impact on local conservation and ecology through destruction of habitat and local hedgerows.
- Previous road infrastructure not yet completed
- Previous development is not yet complete so overall impact will be impossible to judge
- Not enough through to 1st time buyers
- Further changes to road in front of Wellington Terrace will impact adversely on those properties
- Lack of local infrastructure will be made worse
- Impact on visual appearance and character of the area

- Development should be phased to allow other development to settle in and infrastructure to catch up
- Severance of local people from the surrounding countryside
- The town desperately needs traffic calming to cope with any further development.

I letter of support subject to all ecological mitigation measures as submitted with the application being incorporated into the development.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

SP1 - Sustainable development locations,
 CP1 - Climate change,
 CP4 - Housing,
 CP5 - Inclusive communities,
 CP6 - Transport and accessibility,
 CP7 - Infrastructure,
 CP8 - Environment,
 DM1 - General requirements,
 DM5 - Use of resources and sustainable design,
 MAJ1 - Style Road / Burges Lane, Wiveliscombe,
 C2 - Provision of recreational open space,
 C5 - Provision of community facilities,
 A1 - Parking requirements,
 A5 - Accessibility of development,
 I3 - Water management,
 I4 - Water infrastructure,
 ENV1 - Protection of trees, woodland, orchards, and hedgerow,
 ENV2 - Tree planting within residential areas,
 D7 - Design quality,
 D8 - Safety,
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,
 D10 - Dwelling sizes,
 D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

This application is for residential development outside the settlement limits of Taunton and Wellington where the CIL rate is £125 per square metre. Based on the current rates the CIL receipt for this development is approximately £865,000. With index linking this increases to approximately £1,000,000.

New Homes Bonus

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

1 Year Payment

| | |
|-------------------------|---------|
| Taunton Deane Borough | £81,654 |
| Somerset County Council | £20,413 |

6 Year Payment

| | |
|-------------------------|----------|
| Taunton Deane Borough | £489,923 |
| Somerset County Council | £122,481 |

Determining issues and considerations

The starting point for making any decision on a planning application is the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant policies of the development plan are set out above and decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The first section of this report considers the principle of the development in relation to the development plan and then considers other relevant material considerations that relate to the principle of the development. The following sections of the report relate to other material considerations that need to be considered in reaching a decision on the application.

The main issues, and structure of the report, for the consideration of this application are:

1. The principle of development and planning policy context including sustainable development principles
2. The impact on the highway network
3. The impact on local ecology
4. The indicative form of development and its relationship with existing dwellings and the wider settlement
5. The impact on (and provision of) community infrastructure and open space

Principle

The development of this site for residential purposes has now been clearly established by the inclusion of the site within the SADMP as well as the earlier grant of outline planning permission. The site is part of a wider allocation for approximately 120 dwellings and is now shown to be within the settlement boundary for the town. A total of 52 dwellings have already been developed under phases 1 and 2. There have been no material changes in circumstances since the earlier outline approval with regard to the development plan framework. Government advice now firmly encourages all local planning authorities to release land for housing purposes where this is in line with the local development plan framework and the site is shown to be sustainable in overall terms. In this case the site represents the final phase of the now completed development in this part of the town. Notwithstanding the concerns raised by local objectors and the Parish Council it is considered that the principle is now agreed. The earlier discussions regarding a neighbourhood plan for the Town have not progressed and there is no Neighbourhood Plan in place. Such a plan would be a material consideration.

Highway safety, access and parking

The application is supported by a detailed transport assessment which includes available visibility splay, as well as an assessment regarding the new junction and the individual access points onto Heathstock Hill/Ford Street.

The application proposes to access the site from the now widened Burges Lane that incorporates a new junction with Ford Road and via a new stretch of link road from Style Road passing through the adjoining development.

This development also proposes 3 private points of access directly from Heathstock Hill. For the reasons given in section 5, this is considered to provide the best solution for integrating the development into the surrounding townscape. Concerns have been expressed by some local residents and the Parish Council over the safety of such accesses, but the Highway Authority have not objected and, given the benefits in terms of the form of development, it is considered that these access points should be approved. It is noted that there are similar private access points serving individual properties on the eastern side of Heathstock Hill in situations where the visibility for emerging vehicles is much worse than the three access points proposed on the western side of the road. The western access points benefit from better visibility. Traffic was noted slowing down by virtue of the sharp bend on Heathstock Hill.

The Transport Assessment notes that the indicative masterplan for the site has been modified to

- provide a set back of the existing hedge line by at least 2.5 metres requiring the planting of a new hedgerow;
- the provision of a 2metre wide footway along the western side of Heathstock Hill from the junction with Burges Lane to a point adjacent to the most northerly dwelling;
- extension of the existing 30mph speed limit from a point 35 m north of Burges Lane to a point just around the bend. This will require a Traffic Regulation

Order amendment which will be funded by the developer.

With these modifications it is considered that the speed of traffic on the Heathstock Hill will be reduced with a suitable visibility splay of 2.4m by 43m being achieved in line with current standards. The set back of the hedgerow (now removed for this section) will allow adequate visibility to be achieved from the new junction and the three frontage drives. The achievable visibility of at least 59 m will be achievable which will allow for the occasional vehicle that may exceed the speed limit. The new footway will assist pedestrian movement from both the new dwellings and from the existing dwellings on the east side of the road. At the present time this section of road has no footway provision at all. This feature will therefore provide a substantial improvement for the existing residents.

Concern has also been expressed about a reduction in parking along Burges Lane. Existing residents on both Burges Lane and Golden Hill currently park along the highway at this point and the introduction of new dwellings accessed directly from the northern side of the road will undoubtedly reduce the on-street parking capacity in this area. In response to this, the application proposes to provide replacement parking provision for existing residents within the application site. The illustrative masterplan suggests that this could be up to 14 spaces and it is considered that this would adequately compensate for any loss of parking spaces. The applicants have indicated that these spaces would be reserved for the use of Burges Lane residents only. This will reduce the need for Burges Lane residents to park on the street and will improve the flow of traffic past the site. The new parking standards adopted by the Council are set out in Appendix E of the SADMP. The Highway Authority indicate that the parking provision now suggested for the new development is over the set standards. But. In recognition of the concerns raised locally regarding parking they raise no objection to an over provision of parking.

The development proposal of 53 open market and 18 affordable units at this stage does not include individual house types and sizes. The reserved matters approval however noted above confirmed that an agreed layout for 71 dwellings incorporating sufficient car parking spaces could be provided within the site. In addition to the new parking court to serve Burges Lane residents it is also noted that the proposed allotment along the north western boundary of the site would also be provided with its own discrete parking court. The total number of car parking spaces suggested as part of this application is shown as 227 spaces based on all dwellings being 3 bedroom. This is an estimate but is above that shown as a standard.

Clarification of Highway Authority comments

The formal comments of the County Highway Authority are noted. Some clarification was sought from Officers bearing in mind the earlier grant of planning permission at detailed Reserved Matters stage to which the Highway Authority did not object. They have now responded as follows

“Just to be completely clear, the Highway Authority has not objected to the application, nor recommended it be refused pending the submission of a revised TA, as it is accepted that the traffic impacts of this development would not be ‘severe’.

However, shortcomings have been identified in the TA submitted in support of this current application and, as access is not a reserved matter, it would be appropriate

that a robust TA be submitted to confirm that the proposed access arrangements are acceptable. This would include geometric details, including visibility, but would also confirm that there are no capacity implications (this is not stating that modelling is required; the TA may indeed show this is not required, providing the TA is itself robust). In reality, I would not expect this to show any issues for this development, but this remains something for the applicant to demonstrate for this current application.

The submission of a technical note as an addendum to the TA to demonstrate that the accesses will work in practice, post the granting of outline approval should the LPA be so minded, would be completely acceptable to the Highway Authority. I had recommended a condition for the applicant to provide details of the accesses for approval (to be informed by the revised TA, which can just be a technical addendum), but if you think this condition needs to be clearer I am of course happy to go with your advice.

No issue is raised that would prevent the granting of outline permission, if the LPA is so minded. I am sorry if this was not clear in my response”.

Case officer conclusion on highway matters

It is now considered that the Highway Authority comments can be adequately dealt with by conditions. The conditions include reference to the potential for new Traffic Regulation Orders. One such Order can deal with the moving of the 30 mph speed limit, with another Order dealing with any restrictions regarding on site parking near the new junction with Ford Road. The detailed conditions of the Highway Authority are however not all required. Many of the details can be picked up as part of the detailed Reserved Matters application and in conjunction with any detailed drawings necessary under the allied Section 38 Agreement required for public adoption of all estate roads. The request for a construction management plan and the imposition of a planning condition has resulted in enforcement issues in the past. The Council points to the Considerate Constructors scheme whereby large house builders voluntarily comply with the Code for Considerate Contractors which seeks to respect the local environment and ensure that local residents are not unduly impacted by development during the construction period.

Ecology

Whilst the comments of the Council's landscape officer and County ecologist are noted this application follows an earlier permission where such issues were considered but not found to be of sufficient concern to warrant a refusal of permission. The principle of an estate development on this site has now been agreed. The details and layout as submitted under the Reserved Matters application did not include matters of landscape and at that time the matters relating to landscape matters including biodiversity were not dealt with. An earlier ecological survey found that the site contained no protected species. In particular there was no evidence of Dormice being present on the site. The earlier 2012 survey has now been supplemented by an updated 2017 survey which has made various recommendations which can be incorporated into a planning condition.

It is clear that the loss of foraging habitat for any protected bat species has already been accepted through the strategic allocation of the site and the earlier grant of planning permission. The potential impact on foraging does not in itself trigger a

need to carry out an appropriate assessment under the Habitat Regulations it is considered.

The concerns raised by the County Ecologist has been raised with the applicant and they have commented as follows

The application site comprises an improved grassland field bound by hedgerows on the northern edge of Wiveliscombe. The hedgerows may be suitable for dormouse and the fields may be of importance for commuting and foraging lesser horseshoe bats which have a moderately sized roost in a building in the village (approximately 150m south of the application site). As such, unmitigated, if the site is of importance for either of these species, the proposals could have an adverse impact upon them.

That said, if the application site does host these species, mitigation to ensure that the favourable conservation status of dormouse and lesser horseshoe bats could be provided within the context of the outline application (as all matters except access are reserved). As such, it can be demonstrated that, subject to the planning condition below being set, the planning authority will have had due regard for its statutory obligations under the Habitat Regulations when making their decision.

For dormouse, mitigation and enhancement measures might comprise (although the exact details would be informed by further surveys):

- *Enhancement of retained hedgerows (gapping, laying up, widening – e.g. the hedgerow to the north)*
 1. *New hedgerow planting, within, and potentially outside, the development site*
 2. *New pockets of tree / copse (hazel) planting within, and potentially outside, the development site*
 3. *Translocation of dormouse to suitable habitats nearby (under licence to Natural England)*

For lesser horseshoe bats mitigation and enhancement measures might comprise (although the details would be informed by further surveys):

4. *Street and external lighting to be kept to a minimum*
 1. *Dark corridors through the development site*
 2. *Green corridors such as hedgerows (new and retained) and / or lines of trees running through the site (in particular from north to south)*
 3. *A new purpose-built bat roost in a building on the northern edge of the development site so that the lesser horseshoe bats have a long term sustainable roosting site on the edge of town next to the wider countryside (the existing roost may be under threat in the near future).*

As agreed a condition to ensure that development does not commence until a bat and dormouse mitigation and enhancement strategy has been approved by the local planning authority would: 1) give confidence to the planners and the applicant that the housing scheme will be brought to fruition, 2) would avoid delays for the applicant, and, 3) would ensure that the favourable conservation status of lesser horseshoe bats and dormouse was maintained.

“Condition: No development or phase of development hereby permitted, including any site clearance or vegetation removal, shall commence until a bat and dormouse mitigation and enhancement strategy has been submitted to and agreed in writing by the local planning authority. The strategy is to be informed by the surveys set out in the email from GS Ecology to Larry Burrows dated 19 January 2018. The measures in the strategy shall thereafter be implemented in full accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that bats and dormouse, which are protected species and a material consideration in the planning process, are not adversely affected by the proposals and that their favourable conservation status is not compromised as a result of the development.”

As discussed, the following surveys will be carried out to inform the bat and dormouse mitigation and enhancement strategy:

Dormouse surveys of the hedgerows within the development site and fields to the north – tubes (a minimum of 50) and nest boxes (a minimum of 5) to be installed in February or March 2018. Tubes and boxes to be checked for dormouse once per month from April until September.

Bat surveys – A minimum of two static bat detectors to be set within the development site and, if access can be arranged, a comparison site such as the land to the west of the application site. The detectors are to be set once per month from April until October and are to record for a minimum of 5 nights per period. Three dusk transect surveys, one in spring, one in summer and one in autumn, will also be carried out, one of these will be a dusk and dawn transect survey.

Following the submission of the above comments further discussions between the developer's ecologist and the County Ecologist and District Council landscape and biodiversity officer have now resulted in an agreement that the issues raised can be adequately dealt with by a further ecology condition as set out above.

Development layout and impact on local amenity

The plan submitted with this application as an indicative layout is the same plan submitted under the original outline application for the site. This indicative plan was followed by an approval of reserved matters for 71 dwellings based on the plan but firmed up to take into account the comments of the Highway Authority and other consultees. At the time that application was dealt with it was possible to take fully into account the impact on neighbouring dwellings. Apart from the loss of view that the dwellings along Burges Lane and Style Road will suffer a small number of

dwellings on the south side of Burges Lane and the narrow link section of road between Burges Lane and Style Road that will be affected by additional overlooking from the new dwellings. That said such overlooking will be limited and will be in the case of the Wellington Terrace dwellings be at a distance of approximately 16 metres wall to wall as shown on the approved layout for the approval of details application. Whilst this is below the standard 21 metre distance usually applied the new dwellings will be at a higher level. The Waterloo Terrace front elevation is already publicly visible from Burges Lane at a close aspect so the limited overlooking that might occur is not considered to be at such a level that would warrant a refusal of permission. Similarly the approval of details drawings showed three new dwellings overlooking the front elevation of the bungalows on the link section of road referred to above. Again this loss of amenity is not sufficient to warrant a refusal. Such matters of amenity loss were considered as part of the Reserved Matters application. Any new application following an outline for a different layout that might be submitted can of course re-consider these matters afresh at the time.

Applicant's agent comments on objections

The applicant's agent has been asked for his comments on the concerns raised by local residents and the Parish Council and has submitted a detailed response. Many of his comments have been re-iterated above. He makes the point the principle has been long agreed, infrastructure capacity questions can be picked up as part of CIL, additional parking has been provided for local residents as part of the scheme, and detailed design concerns can be given further consideration at reserved matters stage.

Community Infrastructure Levy (CIL) and S106 contributions

The previous outline permission was granted subject to planning conditions and obligations as set out above. The developers anticipate that any permission forthcoming would be granted subject to similar conditions and obligations having regard to any material changes in circumstances.

The Council has now adopted a CIL charging schedule and the monies payable are set out above. The only element now to be dealt with via a Section 106 agreement are affordable housing, children play facilities on the site and a Travel Plan. The understanding is as far as children play facilities is concerned is that the new facilities currently being finished off on site as part of phase 1 and 2 are sufficient in terms of the quantum of land to cater for phase 3 as well. That said there is a usual requirement to provide play equipment on a pro rata basis allied to the number and size of new dwellings. The Council's leisure services department has been asked to clarify this prior to the meeting. That leaves affordable housing which can be incorporated into the S106.

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

Contact Officer: Mr S Belli

