

# PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date 01 May 2024.

Agenda Item: 7

Application number: 49/20/0034

Amended Description: NA

Amended Site History: NA

Amended Recommendation: NA

**Amended Conditions:**

Condition 01)

Amend following drawings on approved list:

Amend from	Updated revision
DrNo 190902 HT 05 01 A HT E Floor Plans	190902 HT 05 01 B HT E Floor Plans
DrNo 190902 HT 05 02 A HT E Elevations	190902 HT 05 02 B HT E Elevation
DrNo 190902 HT 06 03 C HT F Elevations	190902 HT 06 03 D HT F Elevations
DrNo 190902 S 02 G Register of drawings	190902 S 02 J Register of drawings

Condition 05)

Amend wording (omit reference to above DPC level and replace with prior to occupation). New wording as follows:

No dwelling hereby permitted shall be occupied unless there has been full implementation for the approved surface water drainage works. The works shall be carried out in accordance with the approved details and shall be thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

Condition 12)

Amend wording to provide clarity over provision and timing. Amended worded as follows:

Space has been laid out, drained and surfaced within the site in accordance with the approved plans and parking matrix for the parking and turning of vehicles prior to the occupation of the dwellinghouses that they are designed to serve, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

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Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway, in the interests of highway safety.

Condition 13)

Amend wording to provide clarity over timing of delivery. Amended wording as follows:

The bin and cycle storage facilities shown on the approved plans shall be constructed and fully provided prior to the first occupation of any dwellinghouse that they are designed to serve, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of bins and cycles, in the interests of good design and sustainable transport.

Condition 16)

Amend wording to require completion landscaping within an agreed delivery period, in order to allow development to be completed without causing damage to implemented areas of landscape planting. Amended wording:

A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted and a delivery plan for each area.

(ii) The scheme shall be completely carried out in accordance with the approved timing and delivery plan. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

### **Amended Consultation Responses:**

#### **Housing Enabling Team:**

The developer is required to deliver 25% affordable homes on this site under the signed S106 Agreement (dated 6<sup>th</sup> April 2020), with 60% of the units to be social rent and 40% Intermediate Affordable Housing.

We note the Reserved Matters application confirms of the overall 71 homes proposed to be built, 18 homes will be affordable housing units. The proposed affordable housing provision meets the required 25% affordable housing within the S106 Planning Agreement.

Affordable Housing Consultee comments dated July-20, based on the original

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reserved matters application, stated 26 of the 71 homes were intended to be as affordable housing, 36%, which exceeded the provision required within the S106. It is noted this is now reduced back to 25% affordable homes.

The application proposes a mix of:

Drawing *190902 L 02 01 Rev: V Proposed Site Layout* (uploaded to the planning portal on 09 Oct 2023) includes the following accommodation schedule:

It is unclear in Drawing: *190902 L 02 01 Rev: V Proposed Site Layout* (uploaded on 09 Oct 2023) which of the affordable homes are proposed for social rent and which are for shared ownership.

Upon assessing the local housing need evidence (April-2024) the affordable housing mix based on the proposed 18 affordable homes, with a tenure a split 60% social rent and 40% Intermediate Home Ownership, should be:

Social Rent: 11 units comprising of:

4 x one bed apartment, with own front door and private garden

2 x two bed apartment, with own front door and private garden

4 x two bed house

1 x three bed house

Shared ownership: 7 units comprising of:

2 x two bed FOG

1 x two bed house

4 x three bed house

Affordable housing is required to be evenly distributed across the site:

The affordable units are all grouped in the South-west corner of the site and are not integrated across the development. The current layout is not acceptable. We therefore request the distribution of the affordable homes is revisited to provide a more even distribution across the whole site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of units on the site.

The affordable housing should not be visually distinguishable from the market housing on site:

Whilst some of the affordable house types are also open market house types, the majority of affordable homes are in brick whereas the majority of open market homes are render. A better mix of materials across the affordable and open market homes would ensure the affordable homes are less distinguishable from the open market houses.

The 2b2p units are showing as 2b4p in the house type floor plans. The Sqm for the 2b2p homes on the drawing *190902 L 02 01 Rev: V Proposed Site Layout* (uploaded on 09 Oct 2023) does not align with the Sqm detail given on the drawing: *190902 HT 11 01 Rev: B HT L - Floor Plans*. Clarification of the occupation suitability and size of the 2b2p units is required. 2b2p would not be an acceptable house type, we require 2b4p.

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House type B: The practicalities of living are of concern given the thoroughfare style of the kitchen and the number of overlapping doors across the accommodation. It is noted there are both affordable and open market homes of this type.

Size of gardens has not been provided. Plots 10, 65, 66 do not appear to have any private outdoor space allocated. All affordable homes are required to have private outdoor space which should be reflective of the open market gardens. Clarification of the size of private outdoor space for all affordable homes is needed.

The parking allocation for the affordable homes is considered to reflect the overall level of parking across the development. It is noted though, all open market homes have in-curtilage parking whereas most affordable homes have parking court type spaces some distance from the home. The parking provision for the affordable homes should be revisited.

The unit sizes have been assessed and are overall considered to either meet or exceed the minimum internal floor space requirements. There are no individual room measurements. Without this information it is not possible to confirm whether bedrooms meet the national minimum space standard requirements.

Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit.

The current application does not provide an acceptable Affordable Housing scheme. In accordance with the S106 agreement, the affordable housing scheme must be submitted to and approved in writing by the Development Enabling Specialist at Somerset Council - West. Active engagement with the Development Enabling Specialist to agree the affordable housing provision is recommended.

All affordable homes must be let in accordance with the Local Connection stipulated in the Signed S106 agreement dated 6<sup>th</sup> April 2020.

The developer should seek to provide the Housing Association tied units from Somerset Council – West's preferred affordable housing development partners list:

Additional guidance is available within the Former Taunton Deane Adopted Affordable Housing Supplementary Planning Guidance.

### OFFICER COMMENT

The applicant has confirmed that it is their intention to provide a total of 26 affordable dwellings on the site, 18 as required by the s.106 Agreement plus 8 additionality units. Officers support this level of provision, which would take the total provision to 36%, over and above the minimum requirement of 25% as set out in the s.106 Agreement.

The applicant has confirmed that the proposed housing mix is as follows:

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11 social rented units and 7 shared ownership dwellings as set out below and as agreed previously with the Council's affordable housing team.

<b>S106 units</b>				
	M2	SRT	SO	
1b flat	55 (avg.)	4	0	
2b flat	70	2	0	
2b FOG	73	2	0	
2b house	81	3	2	
3b house	95	0	5	
		11	7	
	M2	ART		
2b house	81	4		
3b house	95	4		
		8		

It is noted that there is a discrepancy between the AH being proposed and the Council's aspirations. However, the difference is relatively minor and as we have seen since the original submission some 3 years ago, housing need tends to change quite regularly, so what the figures suggest now may not correspond with housing need when the units are complete.

Notwithstanding, the final AH provision is to be agreed between the developer, RP and Council as set out in the s.106 Agreement and it is not for this Reserved Matters application to set in stone the AH provision, as the Reserved Matters deals solely with the detailed design considerations.

The design scheme and housing schedule is sufficiently broad to accommodate changes in the AH that may come about from ongoing discussions and Officers are content that this is not a reason to resist the current proposals, especially when 8 additional Affordable Homes are being brought forward by the developer.

Matters relating to the location and design of the AH are discussed in the report, but it is noted that the location was previously agreed between the applicant and Housing Enabling Team. The applicant has confirmed that the layout and mix of affordable dwellings have been informed by the pre-app meetings held between Lovell, our affordable housing partners and the Council's affordable housing team and was agreed before the application was finalised.

Otherwise, it is considered that the provision of parking, size of units and housing delivery partner are suitably addressed.

## Update on Representations Received:

### Comments Received from Cllr D Mansell

Unfortunately Cllr Mansell's objections were omitted from the original report. They are therefore summarised below with an Officer response as required.

#### Received 12 July 2020

There are concerns related to the public open space for the whole Willow Mead development, for which this application is the third phase, and further issues regarding electric vehicle charging, recycling and refuse collections and access from proposed dwellings on to Heathstock Hill. The new allotments are a welcome feature of the proposals, although it is hoped users would mostly walk or cycle and not have need for the six car parking spaces proposed.

I understand the Section 106 Agreement secured as part of the approved Outline Application 49/17/0060 requires 25% of the dwellings to be affordable housing, with 60% of these based on social rent. The agreement should also provide a travel plan and cover the existing public open space developed as part of phases 1 and 2.

Notice for the S106 Agreement has been posted online for the earlier 49/17/0060 application, but the full agreement cannot be viewed or downloaded. This needs to be urgently addressed so all can see what it contains. I may have further comments once I have seen it, possibly including on affordable housing, the travel plan and the public open space. Arrangements for the public open space from phases 1 and 2 are still not completed and it needs to be shown they will be fully addressed if phase 3 is to be added to the development, otherwise there can be little confidence in S106 Agreements put in place.

#### **PARKING**

The development proposal would displace a significant amount of on-street parking along Burges Lane, which is currently used by residents of Burges Lane, Style Road, Golden Hill and Burges Close. These residents have nowhere else nearby to park their cars. The small provision for Burges Lane residents in the proposal is inadequate and partly hidden, which may restrict its use.

Residents from other nearby roads may also use it, which could be a cause for local disputes and so is a concern. The only answer should be to ensure there is sufficient parking provided for all residents of the area, particularly those displaced by the removal of current on-street parking along Burges Lane. A study should be undertaken to establish how many cars currently use this on-street parking and, as a minimum, parking provision should be provided to at least match this as a condition of any planning approval. To avoid on-going and future problems, further additional provision should be made. The current proposal to provide parking for Burges Lane residents only in the application is clearly inadequate.

The altered housing and car parking layout of the reserved matters application compared to the outline application makes the parking situation worse. Previously,

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the outline application showed a small number of driveways from Burges Lane on to the proposed development. The number of driveways in the new application has been substantially increased, which will result in the even greater removal of potential parking spaces along Burges lane.

I believe there are too many dwellings proposed for this site and it is essential that there is a condition on any approval to make effective provision for all parking displaced from along Burges Lane. This is currently used by residents of Burges Lane, Style Road, Golden Hill and Burges Close, who have no other reasonable parking choices in the area. If this significant problem is not addressed, the existing parking problems in the area will only become worse and more widespread. Planning officers and the developers need to recognise this problem and ensure it is addressed.

### **OFFICER COMMENT**

Matters relating to access and the suitability of the existing and new estate road for supporting the additional vehicle movements associated with this development was approved at the Outline stage. At that time, the impact of the development upon parking provision for existing residents in the area was assessed and no objection or reason for refusal was forthcoming.

The developer is not obligated in any way to address the possible loss of roadside parking for existing residents in the area, especially those living along Burges Lane. However, through good planning and in an attempt to address the matter, they propose a courtyard parking area where residents that might no longer be able to park along the highway, will be able to safely park and access their properties with ease.

The pre-existing issue with parking in the area is not a matter for this application to address, but nonetheless the applicant has made provision to assist in mitigating the impact, which is to be commended.

### **HEATHSTOCK HILL ACCESS**

Heathstock Hill is narrow and has a fairly tight bend just before the proposed development on the road into town. Siting houses with driveways onto this road looks to be very risky and a potential cause of accidents between cars using the road and emerging from the proposed new houses. A better design would have avoided this problem and should still be sought.

### **OFFICER COMMENT**

Highways do not object to the accesses.

### **ZERO CARBON DESIGN**

All levels of government, including national and local, have recognised the climate emergency and adopted carbon neutrality targets. As a result, all new development should be required to achieve zero carbon design in construction and use. This requires low carbon building methods and materials, very efficient insulation and heat pumps, and a possible additional contribution from solar panels on roofs

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(providing photovoltaic power or thermal heating). New homes should not be connected to the gas grid as electricity is continuing to decarbonise and will be the preferred and cheaper source of power in the near future. Meeting a zero carbon design standard should be included in development proposals or made a condition of any planning approval.

### OFFICER COMMENT

There is no policy requirement to deliver zero carbon homes.

### **ELECTRIC VEHICLE CHARGING**

We are on a certain transition to electric cars, with the government currently proposing that cars powered by combustion engines will be banned from sale from 2035 and the Committee on Climate Change recently advising that this should be brought forward to 2032. Before then there will be a substantial increase in electric vehicle use and this needs to be provided for in all new developments now. In this proposal, all dwellings with their own driveways or garages need their own charging points and all dwellings with shared parking spaces need shared charging points.

These charging points need to meet a common standard for their safe use, which needs to be assured by a condition on any approval granted.

### OFFICER COMMENT

EV chargers are dealt with through Building Regulations.

### **RECYCLING AND REFUSE COLLECTIONS**

The proposal lacks detail on meeting guidelines for recycling and refuse collections, including turning circles for vehicles and space for collection containers. It needs to be ensured that the development meets requirements of Somerset Waste Partnership's developer guidance (available at [ww.somersetwaste.gov.uk/developer-guidance](http://ww.somersetwaste.gov.uk/developer-guidance)). This is not currently shown by the application or accompanying Documents

### OFFICER COMMENT

The application is supported by a bin storage and collection plan. Vehicle tracking plans demonstrate the site to be accessible to refuse and service vehicles.

There is no objection to the design as a result.

### **Received 24 July 2020**

Now that the Section 106 Agreement secured as part of the approved Outline Application 49/17/0060 has been made available on the Council's planning portal, I am concerned to note that this does not include provisions for the existing public open space developed as part of phases 1 and 2 of the Willow Mead development, for which this application is the third phase.

It appears that residents of housing that would result from approval of this application would not be required to make the same contribution as residents of phases 1 and 2



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to the upkeep of the public open space and associated services at this development, which appears inequitable and to require review.

In my view, arrangements made for the management of the public open space for Willow Mead are inadequate and it would be better for the Council and other public authorities to adopt the public services at this development.

I note there is local concern about flooding in this area. These risks will worsen with on-going climate change. It is very important that specialists fully assess this application to ensure this development does not create future local flooding problems or increase flooding risks.

### OFFICER COMMENT

Who pays for the infrastructure on site is not a material consideration.

The applicant has the legal right to connect to and use infrastructure, including SUDs, on earlier phases.

This is a civil legal matter that was dealt with following the sale the various phases and existing residents will have been aware of what they were paying management fees towards.

This is not a point on which an objection can be raised.

**Received 2 January 2024**

### **DESIGN**

As proposed, the site will look to be full of buildings, garages, parking areas and roads. It lacks public and green space.

The proposed density of buildings is too high with small gardens and a lack of green space.

### OFFICER COMMENT

The design is considered in the report and the Outline consent is for 71 dwellings, so the density is already established.

### **PARKING**

I and others have previously commented on the inadequate parking provision, due to the existing on-street parking lost due to the proposed development. The Design and Access Statement includes a “parking court that houses 14 no. spaces to serve the existing residents of Burges Lane”. This is not enough. In the evening on 21 November 2023, I counted 14 parked cars in Burges Lane. There were another 14 cars parked on the new road that continues from Burges Lane and which will have house frontages from the proposed development. This is a total of 28 cars that can currently park on-street along Burges Lane and the new road down to Luxton Road, which will be displaced by the proposed development. Photos are shown below. At the same time, there were cars filling all available on-street spaces at the bottom of Golden Hill and Style Road, as well as a car parked on the pavement. This is the

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usual situation. On occasions, there will be additional cars parked along the road where on-street parking will be displaced by the proposed development. Below is an image copied from Google Street View which also shows vehicles parked along the new road which will be fronted by the proposed development. There are further photos below of parking in the area provided by a resident. 14 spaces for displaced on-street parking by the proposed development is too few. At least twice as many need to be required.

### OFFICER COMMENT

As noted above, the applicant does not need to provide any resident parking spaces for displaced cars, let alone 14. If the 14 proposed spaces were omitted, Officers would still be recommending approval.

### **ACCESS**

Pedestrian access to and from the development site is lacking. Part of Ford Road lacks a pavement or path on both sides (image from Google Maps Street View below). School children from Burges Lane walk down Ford Road to access Kingsmead School (secondary). Ford Road is also the direct route to access St Andrews Church, the chip shop in Church Street and the scout hut. The developer needs to be required to improve the footpath and pedestrian access along Ford Road.

### OFFICER COMMENT

The site has excellent connectivity throughout the site and connects into existing footpaths along Burges Lane, Luxton, Ford Road, Golden Hill and North Gate.

Any improvement to existing footpaths along Ford Road should have been made at the Outline stage but was not, which indicates the existing provision is safe and suitable. Such improvements cannot be secured at the Reserved Matters stage,

### **General updates and considerations**

Consideration of the above updates have been given and it is not recommended that any alteration to the recommendation is required.

**CONTACT OFFICER: Russell Williams**