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## Appeal Decision

Site visit made on 4 August 2014

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 September 2014**

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**Appeal Ref: APP/D3315/A/14/2219143**

**Land at junction of A358 and Stoke Road adjoining, Laburnum Terrace, Henlade, Taunton, Somerset TA3 5HP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr James Bradbury of Raglan Housing Association against the decision of Taunton Deane Borough Council.
  - The application Ref 31/13/0025, dated 19 December 2013, sought approval of details pursuant to condition No 1 of a planning permission Ref 31/07/0033, granted on 18 December 2013.
  - The application was refused by notice dated 21 March 2014.
  - The development proposed is the erection of 26 affordable houses and associated parking with new access from Stoke Road on land south west of junction of A358 and Stoke Road.
  - The details for which approval is sought are: layout, scale, appearance, access and landscaping.
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### Decision

1. The appeal is allowed and the reserved matters are approved, namely the layout, scale, appearance, access and landscaping details submitted in pursuance of condition No 01 attached to planning permission Ref 31/07/0033 dated 18 December 2013, and subject to the conditions listed in the schedule attached to this decision.

### Application for costs

2. An application for costs was made by Mr James Bradbury of Raglan Housing Association against Taunton Deane Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The appeal is for the consideration of reserved matters following outline approval in December 2013 for 26 affordable houses and associated parking. The application form makes it clear that approval is sought at this stage for the access, appearance, landscaping, layout and scale of the development. From the Council's committee report and appeal statement I note that matters of access, appearance, landscaping and scale of the development were considered satisfactory, and on the basis of the evidence before me I have no reason to disagree with this. The Council's concerns were limited to matters concerning

the proposed layout, and consequently I have therefore considered the appeal on this basis.

### **Main Issue**

4. The main issue is whether the proposed layout of the houses would unacceptably increase the risk of flooding elsewhere.

### **Reasons**

5. The appeal site is part of a field that is positioned on the corner formed by the junction of the A358 and Stoke Road. The surrounding properties are of a variety of styles and ages. The field forms a gap within the built up frontage of the village, and is raised up above the level of the A358, sloping gently uphill towards a small ridge that lies between Henlade and Lower Henlade.
6. Outline approval for 26 affordable houses and associated parking was granted by the Council in December 2013, subject to conditions. In particular, condition 07 requires that no development should commence on site until the Council had approved the details of a surface water drainage scheme. From the evidence before me, it appears that the appellant and the Council have agreed a surface water drainage scheme, but that formal discharge of the condition has not yet occurred.
7. I note the concerns of the Council and local residents that pumping the collected surface water from the site into the Lower Henlade drainage system would exacerbate flooding in this area. However, the appellant has referred to the principle of undertaking the drainage in this way having been acknowledged as being acceptable at the outline stage, and I have no evidence before me to disagree with this, particularly as the Council attached a condition to that approval requiring details of surface water drainage for the site.
8. Consequently, matters concerning surface water drainage have to be addressed when dealing with the consideration of details required by condition 07 on the outline approval, and I note the scheme submitted has taken into account the recent flooding of Lower Henlade. Whilst the Council is concerned that the proposed layout does not include sustainable urban drainage systems, including the provision of permeable paving and rainwater harvesting, these are matters that have to be addressed with the submission of drainage details pursuant to condition 07.
9. I also note that the Council consider the soft landscaping provision is not included within the drainage scheme. However, the layout of the site is centred on an area of public open space that would comprise a dry river surrounded by grassed mounds and tree planting, and each house would have a front and rear garden, with proposed trees and hedges within the site to supplement those around its boundary. Furthermore, it has not been demonstrated as to how additional or different soft landscaping, swales or ditches, would improve the proposed surface water drainage arrangements for the site.
10. Whilst Lower Henlade has experienced recent flooding episodes, the evidence before me as to how the proposed housing layout would give rise to additional off-site flooding is limited. Moreover, consideration of drainage details have to be dealt with as part of the conditional requirements for the outline approval.

11. I therefore find that the proposed layout of the houses would not unacceptably increase the risk of flooding elsewhere. It would accord with the requirements of CP 8 of the Taunton Deane Core Strategy 2011 – 2018 Development Plan Document (2012), that amongst other things, requires development not to exacerbate flood risk with increased water flows. This would be consistent with an objective of the National Planning Policy Framework (the Framework) that requires development to ensure that flood risk is not increased elsewhere.

### **Other Matters**

12. Local residents are concerned that the proposed houses would exacerbate traffic levels within the area, utilise a substandard junction onto the A358, and have inadequate parking provision within the site. However, the level of proposed parking would be commensurate with the size of the proposed dwelling, and I note that a legal agreement has been completed that requires a number of highway mitigation works. In the absence of any technical substantiation to support the concerns of the residents, and noting the absence of objection from the highway authority, I have no reason before me that there would be an unacceptable impact on highway safety within the area. As such this matter does not outweigh my findings on the main issue.
13. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

### **Conditions**

14. I have considered the conditions suggested by the Council against the requirements of paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
15. A standard condition has been attached requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
16. To protect the character and appearance of the area, a condition has been imposed requiring the materials to be used in the external surfaces of the development to be submitted to the Council for consideration.
17. In the interests of highway safety and to encourage sustainable means of travel, conditions have been imposed concerning the provision of the roads and footpaths. I have also attached a condition requiring a Construction Method Statement so as to prevent vehicles leaving the site depositing mud, debris and dust onto the highway whilst the development is being constructed.

### **Conclusion**

18. For all the reasons given above, the appeal should be allowed.

*J J Evans*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 12.45.01A; 12.45.02; SPP.1772.1; 12.45.19A; SPP.1772.2; SPP.1772.3; 12.45.16A; 12.45.17B; and 12.45.09F.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the entire frontage of the site in accordance with a specification submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The proposed roads, including footpaths and turning spaces, shall be constructed 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 the existing highway.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for details of wheel washing facilities for vehicles leaving the site.

Richborough Estates