

10/13/0035

CITYSCAPE PROPERTIES LTD

RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 20 NO. 1, 2, 3 AND 4 BEDROOMED DWELLINGS, TO INCLUDE 5 NO. AFFORDABLE HOMES AND PUBLIC OPEN SPACE AT FORD HOUSE FARM SITE, HONITON ROAD, CHURCHINFORD (AMENDED SCHEME TO 10/13/0016) AS AMENDED BY EMAIL OF 30 JAN 2014 WITH AMENDED SITE PLAN 431-12B, LANDSCAPE STRATEGY PLAN 181/01C AND LANDSCAPE STATEMENT

Location: LAND AT FORD HOUSE FARM SITE, HONITON ROAD,
CHURCHINFORD

Grid Reference: 321325.112463

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to** the applicant entering into a Section 106 agreement to secure the following

1. 25% affordable housing,
2. Community Leisure
 - a. provision for off site recreation of £1571 per dwelling
 - b. allotment provision of £209 per dwelling and
 - c. community hall contribution of £1208 per dwelling
 - d. maintenance of the play area and open space
3. Parking provision potentially for adjacent residents

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 181/01 Rev C Landscape Strategy
(A3) DrNo 06 Site Survey Plan
(A2) DrNo 20 Rev C Site Sections
(A3) DrNo 100 House Types HT1 Elevations & Plans
(A3) DrNo 110 House Types HT2 Elevations
(A3) DrNo 111A House Types HT2 Plans

(A3) DrNo 120 House Types HT3 Elevations & Plans
(A3) DrNo 131 House Types HT4a Elevations & Plans
(A3) DrNo 140 Rev A House Types HT5 Elevations & Plans
(A3) DrNo 150 Rev A House Types HT6 + HT9 1 Bed Elevations & Plans
(A3) DrNo 161 House Types HT7a Plans
(A3) DrNo 162 House Type HT7a Elevations & Plans
(A3) DrNo 180 Garage Elevations & Plans
(A3) DrNo 191 HT9 1 Bed Flats Elevations
(A4) DrNo G/MC124/01 Site Location Plan
(A4) DrNo G/MC124/02 Site Plan
(A3) DrNo 431-001 Site Location Plan
(A3) DrNo 12 Rev B Site Plan
(A3) DrNo 13 Site Plan
(A1) DrNo 12.327/350B Proposed Drainage Strategy Plan

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

3. No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities as well as means of controlling surface water flows during construction. The development shall be carried out in strict accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

4. No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No wall construction shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the

Taunton Deane Core Strategy.

6. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to their construction. Details of the surface finish of such areas shall be agreed in writing by the Local Planning Authority prior to their construction.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with the relevant guidance in Section 10 of the National Planning Policy Framework and in the interests of the visual amenity of the area.

7. (i) Before any part of the house construction is commenced, a landscaping scheme, which shall include full details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of 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 shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower International Ecological Consultancy's preliminary Ecological appraisal and extended phase 1 habitat surveys dated October 2012, and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of places of rest for wildlife.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance

and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate protected species.

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

10. No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to an

unacceptable risk of pollution to groundwaters and to ensure that the site is appropriately remediated in accordance with the NPPF.

11. Details of the noise levels for any pumping station to be provided on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed.

Reason: In the interest of the amenity of neighbouring properties in accordance with Taunton Deane Core Strategy policy DM1.

12. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within 12 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

13. Details of the existing ground levels of the house locations and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to construction of dwellings commencing.

Reason: In the interests of the amenity of the area.

14. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

15. Details of renewable energy measures for each dwelling shall be submitted to and approved in writing by the Local Planning Authority and the said source must be commissioned and installed prior to occupation.

Reason: To ensure a sustainable source of energy is provided in accordance policy CP1 of the Taunton Deane Core Strategy.

16. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

17. The windows and doors hereby permitted shall be timber as indicated on the application form and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to their installation.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal is a revised detailed application for the erection of 20 dwellings on land south east of the village of Churchinford.

The application was submitted with a planning statement, design and access statement, a landscape and visual appraisal, a Flood Risk Assessment and drainage strategy, an environmental assessment, a statement of community involvement, an ecological appraisal and phase 1 habitat survey and a heritage assessment.

SITE DESCRIPTION AND HISTORY

The site consists of a grass field with a group of old farm buildings and the land slopes to the north east. The site lies outside of the settlement limit in the AONB and there has been only one previous application on the site for 30 dwellings (10/13/0016) which was refused last year prior to the Local Plan Preferred Option being published on grounds of it being a major development site within the Blackdown Hills Area of Outstanding Natural Beauty where the NPPF advises that planning permission should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. The site is not allocated, is yet to be fully assessed in terms of a Local Plan allocation and would be contrary to policies SP1 and CP8 of the Taunton Deane Core Strategy. It was also refused on design due to the conflict between two plots on the layout.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - It was resolved to OBJECT to this application and write to express significant concerns about it in respect of the nationally important AONB designation, for the following reasons:-

1 Premature Application;

In September 2013 a Planning application by Cityscape for 30 houses on the Ford House Farm field site was refused on the following grounds:-*'it was premature to the completion of the SADMP consultation process; it was a major development in an AONB community; the layout would have a detrimental impact; no suitable agreement on the amount of affordable housing and open space provision was reached; and there were serious concerns about drainage run off'*.

The Core Strategy identifies Churchinford as a minor rural centre where some development is appropriate. It does not indicate or assess what the amount of development should be, or where it should be located – that being the purpose of the emerging Site Allocations and Development Management Policies Plan (SADMPP). That plan is still in its consultation stage, and for now therefore it is impossible to determine whether this development proposal is sustainable and the most appropriate for this settlement and with specific regard to the role and function of the settlement, the availability and capacity of local facilities and services, the availability of local jobs, transport and accessibility issues.

The proposal of a second site for consideration within the SADMP and the progress made by TDBC in resolving the plan strengthens the assertion that application 10/13/0035 should be refused on the basis of it being premature to the completion of the SADMP. This refusal would be fully consistent with TDBC's previous response to application 10/13/0016 and with the approach of TDBC planning committee to applications 24/13/0032 and 24/13/0036. Both applications, sited in

the Minor Rural Centre of North Curry, were refused at the Planning Committee on the 5th Sept 13. The reason of prematurity was key to both these decisions:

'The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system'.

After a meeting between the Parish Council and TDBC, Nick Bryant, Policy Lead (Planning and Development) sent an email of 21st Nov regarding the proposal for development on its Public Open Space *'Should the alternative proposal not be identified as the Council's preferred option this would not necessarily make an early application at Ford House Farm any more favourable. This is because the Policy Team would still be keen to uphold the principles of the Plan led system and use the prematurity arguments made in respect of the original application at Ford House Farm. These arguments would equally apply to an early application at Newberry Farm in the event that this was the Preferred Option. We would anticipate that both sites would be discussed at the SADMP Examination which is likely to take place in early 2015.*

Churchstanton Parish Council would always support policy led planning than opportunistic development.

2 Two sites as Preferred Options?

At the time of application 10/13/0016 the Ford House Farm site was the only option formally within the SADMP process:

2.168 Ford House Farm is the only site at Churchinford submitted to the Council as being available to meet the village's housing requirements set out in the Core Strategy. The Council considers that the Ford House Farm site is suitable for allocation in the SADMP provided that the visual impact of the development is carefully managed through design principles that respect the character of the settlement. Development would need to integrate Sustainable Urban Drainage in order to reduce run-off water. In order to assist appropriate development of the site, the published plan will contain details on design, access, landscaping and other related planning matters.

As part of the Newberry Farm development s106 agreement an adjacent field was to be transferred to the ownership of the community for use as Public Open Space. This land has now been transferred into the ownership of the Parish. West of England Developments approached the Parish Council with a proposal for development on some of this land and its outline proposal contained the following points:

- A total of 8 houses with 5 delivered as affordable or low cost housing for the local community.

- A contribution by the developer to the community of either assets or cash to a value of £200,000 (negotiable).
- The freehold of the community shop conveyed to the Parish for the sum of £1.

Following a public meeting the Parish Council recognised that this proposal offered significant benefit for the community especially the provision of affordable and low cost housing. The council also believed that consultation on development sites within an AONB are not best served by consideration of only one option. At the Council's November meeting it was resolved to put forward the site for consideration as a preferred option within the SADMP process only when it was in the ownership of the parish. The transfer was completed on 4th December and the parish were able to informally reveal the plans at the TDBC SADMP consultation event that same evening, when feedback was requested from the community. This submission was sent to TDBC before the deadline for the current round of Preferred Options consultation.

With a second option now within the consultation process the Council considers that the issue of prematurity to resolution of the SADMP has increased importance. This is not only with regard to its potential impact on Churchinford as a community but also with regards the requirement on Taunton Deane generally to ensure policy prevails and commercial pressure does not result in over allocation.

3 Blackdown Hills AONB

The applicant makes reference to paragraph 14 of the NPPF and the presumption in favour of sustainable development. The applicant has ignored Footnote 9, i.e. ...'unless specific policies in this Framework indicate development should be restricted'.

Footnote 9 makes clear that in an Area of Outstanding Natural Beauty the conservation of the AONB should be the primary concern and not a presumption in favour of sustainable development.

The AONB are currently consulting on a revision to the Management Plan for the period 2014-19 and quotes from the NPPF:-

'Planning permission should be refused for major developments in AONB's except in exceptional circumstances, and only where it can be demonstrated that they are in the public interest....

Development proposals need to be of an appropriate form, scale and materials and in appropriate locations. This will enable them to integrate with landscape character both within and adjacent to the AONB. The sense of place is easily lost: suburbanisation and the cumulative effect of permitted development break down local distinctiveness; replacing small-scale, locally distinct features with ones of a standard design eroding local character.'

No real account has been taken of the AONB designation in the site selection process of SADMP and site assessment criteria have been applied uniformly to all sites and locations across the borough. Churchinford is the smallest of the MRC's and the only one within an AONB, where the scale and type of growth are key factors. The approach here should be to genuinely plan for a sustainable rural settlement, and not about meeting any rural housing figures, which are likely to be over-allocated.

There is a very real case to suggest that smaller sites and/or sites within the boundary would better reflect the scale and setting of the settlement within the AONB.

We are aware of other examples across the country where during their recent Examination of the South Lakeland Land Allocations DPD the Inspector raised this point as an issue in respect of the Arnside and Silverdale AONB. In a letter to the local authority he highlighted that rather than discounting sites below the threshold of 0.3ha from consideration, in the AONB consideration of smaller sites would amount to a reasonable alternative, and more likely to ensure that the landscape and scenic beauty of the AONB is protected in the way envisaged by the NPPF.

TDBC are currently consulting on additional potential sites that have emerged from the SADMPP process and it is stated that the number of sites required to enable the Council to meet its strategic housing and employment requirements is far exceeded by the number of potential opportunities. Coupled with the message in the SADMPP consultation document regarding the need to ensure that land is not over allocated in rural parts of the borough the conclusion must be that there is no strategic need for this type of relatively large development.

4 Oversupply of Rural Housing

The SADMPP process states that *‘the number of sites required to enable the Council to meet its strategic housing and employment requirements is far exceeded by the number of potential opportunities.’*

In fact the trajectory in Appendix D4 ‘Rest of Borough Housing Trajectory’ already shows a total of 440 houses are coming forward from the MRC’s compared with the 250 required. The figures indicate a real danger that land will be over allocated in rural parts of the borough.

The distribution of housing allocations between the minor rural centres is essentially based on the judgement that they could each accommodate around 10% growth without undermining the physical or social fabric, although this could vary depending on the

characteristics of the chosen site. The indicative 10% figure for Churchinford is given as 18; however the information in paragraph 2.94 of the SADMPP Preferred Options document suggests that a figure of 20 is being proposed. This higher figure does not appear logical given that the consultation plan and sustainability appraisal highlight the environmental constraints affecting the site.

The Parish Council, Natural England and AONB have previously argued during the SADMPP process that development sites across the county border should be added in, for example, Hemyock and Dunkeswell, when considering housing supply, particularly within the AONB. So the amount of housing to be allocated needs to be much less in an AONB than the simplistic 10% calculation across the 5 MRC’s.

5 Previous Allocations

In February 2010 TDBC held a consultation event in Churchinford Village Hall whose purpose was to consult with the community on development proposals that would form part of the Core Strategy.

The proposed development in Churchinford that would contribute to the TDBC Core

Strategy target was an additional 12 houses on the Newberry Farm development. These houses have now been delivered and Churchinford has therefore already contributed 12 houses towards meeting the needs identified within the Core Strategy. The Council would expect close regard to ensure that over allocation does not occur within the AONB and that the already delivered 12 houses will be taken fully into account.

6 Lack of engagement

Without any consultation or engagement since the refusal of application 10/13/0016, the Parish Council were made aware of application 10/13/0035 just before Christmas, and a week after a SADMMMP consultation event held in Churchinford by TDBC.

Since that application we have been made aware that TDBC and the AONB met at Cityscape's invitation on 30th October to discuss the application prior to submission. The Parish council were not invited to this event.

We note that a Planning Performance Agreement (PPA) has been negotiated between TDBC and the applicant. Our understanding is that PPA's are about improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders, preferably at an early stage, to work together in partnership throughout the planning process. PPAs are being and can be applied in a proportionate and streamlined way to less complex projects.

We did not therefore expect an application to come in so quickly, considering the stance taken by TDBC on the Newberry POS proposal.

In TDBC's 'STATEMENT OF COMMUNITY INVOLVEMENT' also currently going through consultation , p13 under 'Community Involvement in Development Management', says:-

'...the Borough Council has a duty to ensure applications and decisions are properly publicised but in order that the public and stakeholders can meaningfully influence the process, it is important to ensure that consultation is 'frontloaded' and undertaken prior to an application being made...'

and

'...Open and transparent consultation with Parish and Town Councils at public meetings is recommended.'

This extract of an email from Alun Tarr, chair of the Parish Council to Richard Salisbury, the developer sums up our experience of the application 10/13/0016:-

'9th July 13 Hello Robert

Further to your telephone call earlier this evening please find below correspondence related to a request for a meeting. It would have been best if the full council had met with you early on in this process. Up to the point of the request the only contact between yourself and the Parish Council had been an informal meeting and passing conversations with myself. Whilst the planning consultant has referenced these meetings in the application, I don't think that these should be inferred as adequate consultation with the council. Ideally, there should have been a response from your consultant to the request and a meeting arranged between yourself and the council.

Response of the Parish Council to Gareth Clifford for Application 10/13/0016. 16th

August 2013 re-iterates the point (extract):-

'The failure of the applicant to engage meaningfully with the elected representatives for the community, the parish council, runs contrary to any idea that the community involvement was extensive and sensitive.'

There was no formal contact between the Developer and the Parish Council between refusal of application 10/13/0016 (18th September 13) and submission of application 10/13/0035 (13th December 13).

So the comments in para 6.36 about extensive community involvement relate more to what the Parish Council and TDBC have set up, than anything the applicant has done.

7 Community Led Plan (CLP)

The Parish Council are working with the local community to identify housing economic and community needs via its CLP, for which we have been given an unconfirmed grant, and this year-long process should be completed prior to this application being considered, an approach fully supported by the Blackdown Hills AONB, when responding to the previous application:-

'The villages and communities are a fundamental part of the area, and any development should be limited to that which meets their needs. I understand that Churchstanton Parish Council is working on a parish plan and it would seem logical that any future development in the village evolves from that process. In that respect, this speculative application is also prejudicial to local community-led planning due process.'

8 Sustainable Village

While the Council has decided to designate Churchinford as a minor rural centre, it is fundamentally a small village in an AONB and any development should be of the highest quality, providing an exemplar in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced.

There is genuine concern that public transport is already inadequate to make any large development sustainable, and with further cuts to the bus network expected, such a large development in a rural location would increase commuting and car journeys

If small villages such as Churchinford are truly to function as minor rural centres then employment opportunities must be addressed as part of the overall approach to settlement planning, along with other local needs, to avoid the creation of dormitory villages and exacerbating issues around rural isolation. This application does nothing to improve the situation.

9 Conclusion,

The Parish Council believe it would be prejudicial to the Taunton Deane Core Strategy and contrary to national policy to allow this application at the current time. It is not appropriate to allow additional housing in the AONB in advance of a planned sequential approach to development and proper consideration of what is

appropriate for this small 'minor rural centre' in the heart of the Blackdown Hills. There is a danger of creating isolated, unsustainable housing estates, entirely dependent on cars with no local jobs or public transport.

10 Granting Permission

If the LPA decides to approve this application the Parish Council would want to secure

- an amount of housing that befits its size related to the known needs from the CLP, not through some formulaic adherence to an overall percentage across the board; If a smaller allocation is approved we would want to see the same percentage of affordable/low cost housing being offered as in this application.
- its location in an AONB and with cross County-boundary development taken into account;
- the provision of off street parking for existing residents indicated within the application through the s106 agreement
- ownership of the POS, orchard and boundary copses and the agricultural field to ensure community and biodiversity gain is protected in the long term and the opportunity for future development contrary to the understanding of the current application is prevented.
- negotiations on gain related to Community Hall and Allotments include the community. Any gain should not be less than the figures currently suggested by the applicant.

We would want to see more benefits for the community including :-

- increased bus service at weekends during school holidays, more economic development potential

The applicant states that they have taken account of the AONB 'Design Guide for Houses' but a typical estate layout is proposed with features such as an assortment of building materials that have little relationship to the distinctiveness of Churchinford, its settlement pattern and building form. If the principle of this development is accepted, detailed consideration should be applied to materials and finish, and to matters such as boundary treatments and external/street lighting. This detailed consideration should involve the AONB office and fully respect its design guide. Particular concern would be that traditional Chert construction only (not Chert block) is employed.

We would request that careful consideration is given to roofscape, and to the colours and materials used. Houses in the Blackdown Hills typically tend to be relatively small in scale, sitting low in their setting, and so we would expect greater consideration be given to building height and ground levels than seen in other recent village development to avoid the visual mass and scale of new housing overwhelming the settlement and its approaches.

Long views are a particular characteristic of the AONB, and one of the special

qualities is the way that settlements and buildings blend harmoniously with the surrounding landscape. The site rises considerably southwards and the prominence of future dwellings through possible phasing along the south-east boundary can only be alleviated by better protection. Any extension to this development will be evident in the wider landscape, leading to a sense of sprawl and encroachment of Churchinford on to higher ground in open countryside.

PLANNING POLICY - The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy (policies CP8, SP1 and DM2). Despite being in the open countryside, the application site is considered sustainable as it has good levels of access to some services and facilities in the village including doctor's surgery, community shop, post office, public house, and village hall. The site is also close to a bus stop although the public transport provision in the village is limited.

The application site is situated to the south of the village centre of Churchinford. The whole site lies within the Blackdown Hills Area of Outstanding Natural Beauty. Development would, therefore, need to be sensitively designed and landscaped to ensure it's visually contained and respects the character of the settlement. The proposed development, however, seems to provide a logical rounding-off to the existing nucleated village pattern.

Churchinford is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. Churchinford is therefore identified as a sustainable settlement to accommodate further growth.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is now in the process of producing a Site Allocations and Development Management Policies Plan. It is anticipated that through this Plan each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The Council published a Preferred Site Allocations and Development Management policies plan for public consultation between 31/11/2013-12/12/2013. As part of the consultation, the Ford House Farm site was identified as the Council's preferred site. At the time of the publication of the SADMP Preferred Options document, no further sites had been formally submitted to the Council for consideration or comparison to assess against the Sustainability Appraisal. A public consultation event took place in Churchinford on the 4th of December 2013.

As part of the Preferred Options consultation, Churchstanton Parish Council set out an alternative proposal for 8 units to the west of the settlement adjoining and to be added to the 12 homes delivered as part of the previous planning permission at Newberry Farm. It was suggested this provided an appropriate contribution from Churchinford to the strategic housing targets set in Taunton Deane's adopted Core Strategy, and indicated as the SADMP requirement. An additional public

consultation was subsequently undertaken regarding the suitability of the alternative site for allocation in the SADMP between 23/12/2013-31/01/2014.

Through the Preferred Options consultation the alternative site at Newberry Farm received a significant number of objections including a petition against further development with 125 signatures. Total of 25 representations were received with regards to development on the Ford House Farm site of which some objected and some expressed no objection to development. A limited number of representations (approx 10) expressed support for the alternative site at Newberry Farm if further development in Churchinford was a necessity. A further public consultation was undertaken regarding the suitability of the alternative site at Newberry Farm for allocation in the SADMP. Through this consultation the Council received a total of 16 representations of which some supported and some objected the allocation of the alternative site in the SADMP. In addition the Council received a petition against further development at Newberry Farm with 125 signatures.

Churchinford has been identified in the adopted Core Strategy as a sustainable settlement to accommodate further growth. This proposal for 20 dwellings is considered proportionate with the settlement hierarchy established for minor rural centres in the adopted Core Strategy. The SADMP Preferred Options document states that up to 20 dwellings would be sought.

Whilst the site is a Preferred Option, the Parish Council have submitted an alternative proposal which has attracted a significant level of objection from the local community compared with the Ford House Farm site. The Council has not yet had an opportunity to assess the alternative proposal against the Sustainability Appraisal in order to form a view on its suitability for allocation in the SADMP. Given that Churchinford only has two potential development options and it is unlikely that the village would need both allocations, it is therefore considered that these issues are best resolved through the development plan process.

DIVERSIONS ORDER OFFICER - Mr Edwards - No comment.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which abuts the proposed development at the present time (footpath T 6/24). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from

SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

WESSEX WATER - Water connections will be required from Wessex Water and the development engineer can see no issues regarding capacity.

DRAINAGE ENGINEER - no comment

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supercede at the date of approval of the full application.

The proposed affordable housing unit type, size and location have been agreed with the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

LANDSCAPE - This site is within the Blackdown Hills AONB and therefore any development has to be sensitively sited.

Further to my previous comments on the earlier application, 10/13/0016, my concern regarding lack of sufficient landscape buffer on the south eastern boundary adjacent to the PROW has been significantly addressed through setting back of the development and planting it with an area of orchard.

My concern regarding impact on the setting of the listed building has also been

addressed to some extent through establishment of a planted landscaped buffer to the north eastern boundary.

My other concerns regarding opening up of the site through loss of boundary hedgerow for the access; wider visual impact from local roads and change of landscape character of the edge of village remain.

If the application is to be approved I recommend that the southern open space be planted as a copse/woodland with a glade and not left open and grazed. This will provide more of a setting longer term to the development as seen from the north and north east. It will also provide more useable open space through the year. More detailed landscape proposals will be required.

Comment on amended strategy - Subject to full landscape details the proposals are now acceptable.

BIODIVERSITY - For comments on the submitted survey please refer to observations made in connection with 10/13/0016. This proposal has less housing and so offers additional landscaping which would benefit wildlife and so is an improvement on the previous scheme. I agree with comments made previously by the Landscape officer concerning the impact on the street scene by part removal of the roadside hedge.

Sunflower International Ecological Consultancy carried out a preliminary Ecological appraisal and Extended phase 1 habitat survey in May 2012 although the report is dated October 2012. Findings of the survey were as follows

Habitat - The site consists of species poor permanent grassland and a range of semi derelict farm buildings. A bank with trees runs along the eastern side of the site.

Bats - **The surveys found no evidence of bats using the buildings on site. This is probably because the buildings are constructed of unsuitable materials, too well lit or too draughty. It is likely however that the site is used by foraging bats so hedgerows should remain unlit.**

Birds - The hedges that define the western and south-eastern sides of the site offer bird nesting potential. House martins were recorded as nesting in the ivy of one of the large barns. A swallow's nest was recorded in part of the former dairy unit. Any demolition or clearance work should take place outside of the bird nesting season.

There is no mention of badgers, dormice or reptiles in the report so I assume the surveyor found no evidence of these species.

This development should offer some biodiversity gain. I suggest a condition for protected species:

SOMERSET WILDLIFE TRUST: We would agree with the comments of the Biodiversity Officer. We would also suggest that if approved more detailed enhancements for wildlife should be provided to include bird and bat boxes, the use

of native plant species in all landscaping schemes and the design of external lighting schemes so as to minimise light pollution.

NATURAL ENGLAND - We note that the Council are currently consulting on the Site Allocations and Development Management Plan, which is expected to be published in 2014. This will provide direction as to the most sustainable and appropriate locations for development, looking at the role of settlements and their capacity to absorb growth.

LANDSCAPE – Insufficient Information

Natural England has assessed this application. From the information available Natural England is unable to advise on the potential significance of impacts on the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

The Landscape and Visual Appraisal, submitted with this application, does not make reference to the AONB Management Plan which would provide you with the AONB-level context and objectives. The Landscape Appraisal is set entirely at the site level which makes it difficult to make judgments on whole landscape impacts. The Methodology does not refer to the Guidance for Landscape and Visual Impact Assessment (3rd Edition), which is the accepted standard for assessing development impacts on landscape in the UK.

Please refer to our comments in response to the Council's consultation on the Core Strategy's Site Allocations and Development Management Policies Plan (SADMP) (see attached) in which we advised the Council to consider the need for a site specific Landscape Character Appraisal to help determine the capacity for new development in Churchinford, giving particular consideration to protecting the special qualities of the AONB in this area.

We therefore strongly advise you to have regard to the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise on whether the development accords with the aims and policies set out in the AONB management plan.

PROTECTED SPECIES

Bats - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that

may results and the appropriateness of any mitigation measures.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the '*Favourable Conservation Status*' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

We also recommend that you consult Barbara Collier your Biodiversity Officer on the implications of this application for protected species and other nature conservation interests.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

LEISURE DEVELOPMENT - In accordance with the Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. The proposal for an on-site children's play area is to be welcomed provide for the extra need that will be created by this development. The play area should be positioned so that it is overlooked by the nearest dwellings to promote natural surveillance. The Parks Department should be asked to comment on the actual design and content of the playground.

A contribution of £1571 for each dwelling should be made towards facilities for active outdoor recreation. A contribution of £209 per dwelling towards allotment provision should be sought and a contribution of £1208 per dwelling towards local community hall facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings. A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and public realm or by a commuted sum to value of 1% of the development costs.

OPEN SPACES MANAGER - From the plans it is not clear the extent of the POS. The Open Spaces Department requests a plan clearly showing the land to be designated as POS. Areas should not contain plots too small with no connection to the general POS. POS areas, including hedgerows and wildlife corridors, should be

easily accessible for the purpose of maintenance.

Play equipment must comply with current British and European standards and preferably be structurally guaranteed for at least 15 years. A play area post-installation inspection report carried out by a qualified independent area inspector must be provided.

SW WATER - No objection.

SCC - CHIEF EDUCATION OFFICER - No comment.

ENVIRONMENT AGENCY - We have no objection to the application and our comments remain broadly similar to those provided for the previous application 10/13/0016 which we re-iterate below for your ease of reference:

CONDITION: No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities. The development shall be carried out in strict accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: We still have concerns with the lack of detail provided on the off-site works and are not clear at this stage whether these works are technically feasible or will compromise the viability of the development.

Notwithstanding this, we understand that South West Water have been consulted in respect of the proposed surface water arrangements and have no objection to entering into a requisitioning in the event of planning permission being granted. This being the case, it would appear that the risks of increased flooding as a result of the development can be adequately mitigated via the above recommended condition and a separate agreement under the Water Industry Act even if infiltration proves to be unfeasible.

We would like to point out at this stage that any off-site works has the potential to cause significant disruption to affected land-owners and we would advise that alternative options are explored where possible. In particular, consideration should be given to improving the infiltration properties of the site for some of the smaller storm periods to try and alleviate additional volumes of run-off from the development. Options to improve existing infrastructure rather than requisitioning could be explored to minimise disruption.

It is important that the surface water drainage infrastructure is phased appropriately so that additional run-off from the development is attenuated during all stages of the development.

CONDITION: No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of pollution to groundwaters and to ensure that the site is appropriately remediated in accordance with the NPPF.

Informative / advice to LPA: The above condition has been recommended because the site has been subject to an agricultural use which could give rise to the presence of land contamination. Potential controlled waters receptors for contamination include the local abstractions and underlying aquifer. The recommendations of the submitted Phase 1 Desk Study (prepared by Johnson Poole & Bloomer and dated September 2012) should be taken forward and contribute to any further assessment of the site's potential for contamination. The assessment should also consider the possibility of any pollutant pathways being introduced as a result of the development, particularly during the construction phase.

BLACKDOWN HILLS AONB SERVICE - The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. With this in mind, on principle, I still believe there are fundamental issues with how TDBC considers Churchinford in planning terms, and that there is a case to say that any housing development proposal there should await full and proper conclusion of the Site Allocations and Development Management Policies Plan process. While it is of course understood that Churchinford has been designated as a minor rural centre and that therefore some

development will follow, I contend that no real account of the AONB designation has been taken in the site selection process or the distribution of housing numbers. Applying a 10%, or thereabouts, growth figure to all of the minor rural centres does not take account of their very different characteristics or other recent housing growth. The appropriate scale of development for Churchinford, in light of the role and function of the settlement, the limited availability and capacity of local facilities and services, the limited availability of local jobs, and limited transport options, has not been tested.

In a similar respect I do not accept the case in the application planning statement about the NPPF presumption in favour of sustainable development and housing delivery and supply; this still ignores footnote 9 of paragraph 14, and furthermore it is not reasonable to suggest (at para 5.19) that the Taunton green wedge designation is comparable to AONB designation.

Whatever development status assigned to it, Churchinford is essentially a small village in the heart of the Blackdown Hills AONB and any housing development should be of the highest quality, providing an exemplar in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced. Matters of detail therefore require careful consideration. Indeed, officers and councillors will no doubt recall their design training event in September 2013, where the nearby Newberry Farm development was widely acknowledged to have fallen short on design grounds.

Supporting this approach is the draft AONB management plan 2014-19 which includes the following objective and policy (which are similar to that included in the current plan):

PD 1 - All development in the AONB is of the highest quality, is in keeping with the landscape and conserves its wildlife, historic character and other special qualities.

PD1/B - Seek to ensure that any necessary new developments or conversions conserve and enhance natural beauty, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Turning therefore to the detail of this particular proposal, I make the following observations for consideration should the council be minded to approve the application;

The reduction in housing site area (compared to the previous application) is welcomed, and it would seem that the existing and proposed hedgerows and trees in the southern parts of the site should provide a backdrop to the new houses in long views across the site. The orchard planting and open space should also offer biodiversity interest and provide links to the wider countryside. The intent to complete landscaping/planting elements early in the development phase is supported. That said, the ongoing management of these areas is an important consideration if the benefits are to be realised.

The commitment to construct dwellings in natural stone (random rubble style) is strongly supported and this should be secured through condition/obligation, with detail to be approved [applicant email of 13.01.14 to me and copied to planning

officers refers]

The amendment to materials, reducing the number of render finish/increasing stone built [also above referenced email] is also supported as being more typical of the village. The colour of render is also important in terms of visual impact and blending with the landscape and rest of the village, and a limited palette of muted, natural tones would be most appropriate.

Attention to other detailed points of design will also be critical factors in how successful this development would be considered, for example roof materials and colour, and style and materials of boundary walls.

Narrow road width with a surface material typical of rural roads are further factors that will do much to assist with assimilating the development into its setting.

I have also approached the applicant regarding undergrounding of overhead wires along the site frontage to achieve some visual amenity and landscape benefits; although I understand this to be outside the application boundary, it would be a welcome benefit in terms of the AONB.

Finally, I believe that the applicant has indicated a willingness to phase the development, and this may well prove welcome in light of local concerns about the pace of recent development in the village.

I trust that these comments and observations are helpful to your consideration of this application. The AONB Partnership would be pleased to be kept informed of progress with the application and comment on any further material as appropriate.

HERITAGE - My comments on the previous scheme still apply but the increase in screening now proposed would help reduce the degree of negative impact on the setting of Ford House which is a grade II listed building. The positive benefits to the setting of Ford House of removing the redundant agricultural buildings would not outweigh the negative impact of the proposed development but there may be public benefits which under the NPPF could potentially negate the harm to the setting of the listed building.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

The applicant has provided a desk study for the site:

- Phase 1 Desk Study and Initial Conceptual Site Model, Johnson Poole and Bloomer Land Consultants. September 2012.
- Envirocheck Report. June 2012

The information in the Envirocheck report provides details of the history of the site and surrounding area. This is reviewed in the Desk Study, along with information from a walkover of the site, to inform an initial risk assessment on the potential for contamination to affect the environment or future users of the site.

The Report states that the site has been used for normal agricultural purposes. It does note that there is some suspected asbestos containing material on site (cement roof sheeting and cladding) and the remains of a small fuel storage tank.

It concludes that the past history of the site would not be considered likely to pose a significant potential risk of indigenous ground chemistry, however, it recommends that some soil sampling should be carried out regarding the potential asbestos containing material and hydrocarbons in areas of historical fuel use.

Comments.

The desk study, initial risk assessment and conceptual site model are thorough and address the potential issues that could arise on this type of site. The recommendations for further investigations are reasonable and should be carried out if the development does go ahead. This could be required by a planning condition and I have amended the standard condition to take account of the information that has already been submitted.

Condition regarding potential contamination

Prior to the commencement of development the applicant shall

a) Carry out the site investigation and sampling as outlined in the Section 5 of the Desk Study by Johnson Poole and Bloomer dated September 2012 (ref MC124-02a/NJW) and use this information to update the risk assessment for the site. The site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

b) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: to ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. Compliance with the planning condition does not rule out future action under Part IIA of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - comment awaited

SCC - FLOOD RISK MANAGER -

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal relates to a revised layout for the erection of 20 dwellings with associated public open space.

Vehicle Movements

Under the previous application the Highway Authority stated that further information would be required due to the significant increase in vehicle movements associated with this proposal. In light of this the applicant provided further information to try and address the Highway Authority's concerns.

However the Local Planning Authority determined the application before the Highway Authority was able to provide their comments. This revised scheme is now for 20 dwellings rather than 30 dwellings, which was previously proposed.

Looking at the traffic impacts it is likely that the additional traffic, particularly spread across multiple routes, cannot be considered to have an unacceptable impact on the local highway network.

The applicant has proposed to provide 60 parking spaces, which equates to three spaces per unit. This is considered to be acceptable. Although it is unclear whether any additional visitor parking has been provided. This will need to be confirmed by the agent.

Estate Roads

At the point where the access ties into the existing carriageway allowance shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Core holes may need to be taken to ascertain the existing depths of the bituminous macadam layers. Furthermore the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road.

In terms of the internal layout the applicant should be aware that it is likely that some parts of the internal layout of the site 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 Payment Code. Section 5.7 of the 'Design and Access Statement' indicates that a shared surface carriageway will be provided throughout the main part of the site. However this does not seem to be reflected within the layout contained within drawing number 12.236/300/E, whereby Road 1 will be a footway. Only Roads 2 & 3 appear to be a shared surfaced carriageway. This section of the 'Design and Access Statement' also indicates that a granite ramp will be constructed. Any proposed ramp(s) should be constructed as per typical bitumen macadam carriageway specifications.

The block paved shared surface carriageways should be designed with a

longitudinal gradient no slacker than 1:80. Service margins of less than 1.0m in width should be constructed from bound material and not grass/block pavours. Furthermore the private drives serving plots 3 and 5 should be a minimum of 6.0m in length as measured from the back edge of the prospective public highway. The applicant would also require a 2.0m wide hardened vehicle overhang margins will be required at the ends of turning arms within Road 1 to the north of plots 5 and 6. The applicant should also be aware that an adoptable 25.0m forward visibility splay will be required across the inside of the carriageway bend fronting plot 4. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level. The private access path for plot 18 appears to be blocked off by a boundary without any connection onto the proposed pedestrian/cyclist link.

The proposed link referred to within point 1 above, will appear to provide access to a Play Area. As a result, this link might well be used by a combination of pedestrians and cyclists and should therefore be constructed to a width of 3.0m to accommodate the shared use. A forward visibility splay will be required across the corner plot 20 with appropriate visibility splays provided at the interface of this link with Road 1.

Would the developer be able to confirm whether it is possible for the turning head that terminates to the south of plot 13 to be extended up to and including the drive serving plot 20. If this is not provided then how will the 'private drives serving plots 15, 19 and 20' are separated from the proposed adjacent pedestrian link? The Highway Authority is of the opinion that it would not be ideal to have vehicles travelling across a pedestrian link in terms of future maintenance liabilities.

The private tandem drives serving plots 10 and 11 should be a minimum of 10.5m in length as measured from the back edge of the prospective public highway.

The proposed footway to the north of the site entrance should extend so that it is in direct line with the existing footway opposite and tactile paving slabs will be required both within the proposed and existing footways to provide a suitable pedestrian crossing location.

Can the applicant please confirm the future maintenance arrangements for the grass verges within the application site? Somerset County Council does not have the resources or equipment to maintain such areas. Furthermore grass margins should not be laid up to vertical faces. The last 20mm should be hardened material to act as a 'mowing strip'. Grassed margins should not taper off into nothing. The last 500mm should be of a hardened material.

The Planning Statement indicates the possibility of hydrocarbon contamination within the fuel storage areas. If these sites fall within the prospective public highway limits then the applicant will need to submit to Somerset County Council a comprehensive method statement detailing the measures to be employed for the removal of the contaminated materials.

Any proposed retaining/sustaining structure, either to be adopted by Somerset County Council or remain within private ownership, that will be constructed within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary, must have submitted to Somerset County Council

prior to construction works commencing, all necessary detailed design drawings and design calculations to that Somerset County Council can be assured as to the safety and durability of these structures.

Moving onto the site drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 01823 483155.

The submitted Planning Statement makes reference to storm water from the application site being collected and attenuated within tanks or over-sized pipes. The applicant must be made aware that any form of attenuation system should be located outside of the prospective public highway limits. The highway should not be looked upon as a convenient place to locate such storage systems. In terms of surface water from all private areas, including drives and parking bays, will not be permitted to discharge out into the prospective public highway. Private interceptor drains must be provided to prevent this from happening. Additionally, surfaced water from the proposed adoptable pedestrian link that extends between plots 13, 18, 19 and 20, will not be permitted to discharge onto private land.

The developer will be held responsible for any damage caused to the highway network by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photograph shall be taken by the developer's representative in the presence of the Highway Authority's representative's showing the condition of the existing public highway network adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The developer will need to provide written confirmation of acceptance by Wessex Water to adopt the new storm water sewer together with its outfall to the existing watercourse will be required with a copy being forward Somerset County Council, as the Highway Authority, for our records. Furthermore the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not any existing ditches or watercourses within the application site are to be piped or require culverts. Any such works will require the approval of the Local Authority under Section 263 of the Public Heath Act 1936.

Finally the developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the work at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Drainage

As part of the application process the Highway Authority has assessed the submitted Flood Risk Assessment and Drainage Strategy and has the following comments to make.

On page 5 of the Flood Risk Assessment (FRA) it is noted that the percolation tests were not carried out in full compliance with BRE Digest 365 and therefore will not be accepted for design purposes. I can concur with the author that further testing will be necessary to Somerset County Council's requirements with a Somerset County

Council Engineer in attendance. Page 6 makes reference to a nearby housing development where soakaways have been employed as the means discharge for surface water run-off. It should be noted however that to date the only evidence submitted to the Highway Authority as proof of ground conditions conducive to infiltration drainage on that development is from partial soakaway test akin to those undertaken in support of these proposals.

From the developer's conclusions on page 14 it is understood is that they will use Sustainable Drainage Systems where appropriate and necessary but the final drainage solution will be subject to detailed design following further information regarding infiltration. It is also noted that the proposed drainage strategy indicated in Appendix G is for a positive outfall for the surface water from the site via a piped system to a nearby watercourse.

Turning to the proposed Drainage Strategy the applicant will be required to consider the risks of locating large pipes under the highway and should take every opportunity to reduce the extent of such pipes under the carriageway. The flow control manhole should ideally not be located clear of the carriageway as this simplifies access arrangements for routine inspections i.e. for visual inspections and to check the operation of the by-pass door. Furthermore the structural adequacy of any structure within the prospective highway having a clear span of 900mm or greater will be formally assessed by the Highway Authority via the Approval in Principle (AIP) process in Design Manual for Roads and Bridges (DMRB).

Conclusion and Recommendation

To conclude, although the proposal would result in a significant increase in vehicle movements it isn't considered to be sufficiently severe to warrant an objection on traffic impact grounds. From submitted plans the internal details are considered to be broadly acceptable, although the applicant will note that a number of points will need to be addressed prior to any submission in connection with any Section 38 agreement. Finally in terms of the drainage strategy and the Flood Risk Assessment it appears that there are a couple of points that need to be addressed before the Highway Authority will be satisfied with the submitted details.

Representations

31 letters of OBJECTION raising issues of

- Site outside settlement in AONB
- Need to preserve AONB
- loss of farmland in centre of village
- scale of development in recent years will change character of the village
- impact on landscape character and does not enhance AONB
- loss of rural character
- large scale development in AONB
- would be 35% increase in housing in 10 years
- Percentage increase in housing high and build rate is triple that of UK over last 50 years and double the rate of TDBC over the past 10 years and has just seen a 13% increase in housing

- there would be a 25% increase in housing in Churchinford since 2012
- 93% of villagers are opposed
- village oppose the development
- not sustainable development
- development should be for economic and community needs
- the site was rejected in the SHLAA process
- proposal contrary to 6 of Core Strategy strategic objectives
- contrary to policies CP1, CP2, CP4, CP5, CP6, CP7 and CP8 and DM1 and DM2
- Contrary to NPPF paras 115 and 116 as in AONB where major development should be refused except in exceptional circumstances and where they can be demonstrated to be in the public interest.
- major development here is contrary to policy SP1 and SP4
- 20 houses is not small scale and not within the settlement
- the skyline will be affected,
- submitted Planning Statement is inaccurate
- artists impression of the site is inaccurate
- landscape impact on AONB and listed building are underestimated and are considered to be adverse and significant
- no need and no exceptional circumstances
- the development will destroy the view of the village when approached from the north and create the sense of a housing "estate bowl"
- Of 20 units target identified in the Core Strategy 12 have been delivered at Newberry Farm, so this would exceed the target number.
- There is a second proposal to meet housing need put forward to the north east of the former Newberry Farm which would identify affordable housing need and benefit the village.
- rejection should not lead to development of Newberry Corner
- the original proposal for 30 was refused and the reasons still apply
- the Local Plan is still in process

Highways

- more traffic on narrow country roads,
- at least 40 extra car journeys a day,
- proposed access to road is close to an existing junction and would be a traffic hazard
- increased risk of accidents in the village
- risk to pedestrians with no footways
- parked vehicles block traffic
- poor road surface
- would increase commuting
- poor accessibility - no adequate bus service,
- poor emergency service access
- village sometimes cut off due to snow
- lack of frequent affordable public transport
- access to the school requires private vehicles

Drainage

- increased risk of flooding in the village
- no suitable surface water design solution
- will not allow water storage and lead to flooding
- concern that normal mitigation measures will not be adequate

- sewage system cannot cope

Other issues

- some school classrooms are in temporary buildings
 - lack of local employment
 - slow broadband speed
 - lack of utilities
 - no requirement for additional play areas
 - play facilities for older children are required as are other children's amenities
 - no need for housing increase and houses in the village are slow to sell,
 - poor local facilities such as doctors and shop
 - strain on inadequate local infrastructure
 - design does not integrate with character and a proportion should be single storey.
 - re-design does not meet objections with too much render, thatch is rare and design would not appear 'organic'
 - the play and open space would be better provided at Newberry Corner site not at Ford House Farm
-
- overlooking and loss of privacy
 - loss of amenity
 - loss of views
 - impact on wildlife,
 - controls over construction works required,
 - noise impact and disturbance during construction,
 - no community gain,
 - impact on species such as badgers and bats
 - light pollution
 - inadequate public consultation by the applicant

Also a PETITION against of 222 signatures on the grounds of prematurity and scale is too large in regard to its site and setting in the AONB.

1 letter of SUPPORT over the location but concern that 20 houses is too many and concern over flooding, lack of footways and need to keep southern end free of development.

20 additional letters of OBJECTION to amendment reiterating previous issues and adding

- lack of faster broadband to the area
- chert block should not be allowed and stonework should be random rubble construction
- open space and play area should be for all Parish residents
- landscape planting should be managed and appropriate for the local environment
- planting should not impact on long views
- soil should not be stripped as it would lead to more run-off
- landscaped areas should be protected from construction operations to avoid compaction
- query over orchard planting

- planting should be carried out within 12 months and no mature trees should be damaged

CPRE - We believe the application should be refused in light of national and local policies on sustainability, having regard to the accessibility of the development to services and employment and its impact on the landscape and character and appearance of the Blackdown Hills AONB.

A planning application for thirty houses on this site was refused as recently as September 2013 (application number: 10/13/0016). Taunton Deane refused the application because the site is in the Blackdown Hills AONB, is outside the settlement limits of the village and the application was not in accord with policies outlined in the adopted Core Strategy, in particular policy SP1 and policy CP8. The Planning Officer also noted that *'the proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities.....'* and *'would be contrary to policies CP4 and CP5 of the Taunton Deane Core Strategy, retained policy C4 of the Taunton Deane Local Plan and Policy for the Provision of Community Halls document'*. The CPRE concur with this view and believe that this application should be refused for the same reasons.

There is no identified need for more market housing in Churchinford. The site is located outside the settlement limit in an unsustainable location that has limited public transport and limited employment opportunities. Residents will be entirely dependent upon private cars to access employment and services. Allowing this development would be contrary to Council's stated aims on sustainability and reducing carbon emissions and the need to travel. These aims are well articulated in Policies CP1 and CP6 of the adopted Core Strategy.

Policy CP8 of the Adopted Core Strategy states that the Borough Council seeks, *'to conserve and enhance the natural and historic environment'* and *'will not permit development proposals that will harm these interests'*. The proposed development is unsympathetic to its location within the Blackdown Hills AONB. It would be detrimental to the historic and rural environment and therefore not in accord with the Council's stated policy. The site rises towards the south so that the southern edge of this development will be visible for some distance around affecting long views within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Furthermore the new housing will impact on the setting of a listed building, Ford House. One of the special qualities of the Blackdown Hills AONB is that it is *'a landscape of architectural appeal'* so the impact on the setting of a listed building is therefore an important issue in protecting the landscape of the AONB. We feel that this proposal is detrimental to the landscape character of the AONB and so is in clear conflict with policy which gives the highest level of protection to the landscape and cultural heritage within AONBs. The National Policy Planning Framework states: *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of*

Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

Last April the Department of Communities and Local Government provided Planning Authorities with revised housing projections. Taunton Deane requires many less houses

than was originally anticipated and the CPRE believe that the Council should consider revising its allocations for market housing in Minor Rural Centres such as Churchinford. The CPRE view is that the emphasis should be on sustainability and identifying and meeting the housing needs of people who live and work in the area. Building more market housing in Churchinford will not make property more affordable for local people who cannot afford to buy a home of their own.

Relying on property developers to provide a proportion of affordable housing on the back of market housing developments is a short term and unsustainable policy for rural areas. Developers must make a profit and will inevitably pass on some of the costs of providing the affordable homes to those purchasing the houses at full market value. This only serves to increase property values even further out of the reach of local people who are often working for low wages. The policy is divisive and can have an erosive effect on rural communities. It can result in the building of far too many houses in rural areas in order to achieve targets for affordable homes.

The CPRE view is that existing settlement limits for Churchinford should be retained. Planning permission should only be granted for affordable homes outside settlement limits.

Holding out the prospect of extending the settlement limit and giving permission for market housing inevitably means that landowners will be reluctant to sell land at a lower price to meet the need for affordable housing.

The CPRE are aware that the Borough Council are currently consulting on development in Churchinford and hope that our views will be given serious consideration.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
AONB - Area of Outstanding Natural Beauty,
CP5 - TD CORE STRATEGY INCLUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

| | |
|--|---------|
| Taunton Deane Borough Council (Lower Tier Authority) | £21,581 |
| Somerset County Council (Upper Tier Authority) | £5,395 |

6 Year Payment

| | |
|--|----------|
| Taunton Deane Borough Council (Lower Tier Authority) | £129,488 |
| Somerset County Council (Upper Tier Authority) | £32,372 |

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is for a residential development in this edge of village location and has to be considered in light of the NPPF, the policy considerations in the Development Plan, as well as sustainability, design, landscape, heritage, the provision of adequate access and traffic impacts, affordable housing, ecology, drainage and provision of community facilities.

Policy

The site lies on the southern side of Churchinford, within the Blackdown Hills AONB and outside of the existing settlement limits defined in the Taunton Local Plan. The Planning Policy officer has commented on this and advises the proposal is contrary to policies CP8, SP1 and DM2. Despite being in the open countryside, the application site is considered sustainable as it is adjacent to the settlement boundary of Churchinford and has good access to a reasonable level of services and facilities.

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability. However, the SHLAA conclusion does not prejudge or prejudice the outcome of any planning application nor indicate that the site will ultimately be allocated through a future development plan document.

The Council is in the process of preparing the Site Allocations and Development Management Plan (SADMP). The previous refusal for 30 dwellings was submitted and determined prior to the conclusion of the SADMP Preferred Options which considered the quantum and location of possible development in the village. The application site would appropriately be considered through the SADMP, since the plan-led system remains central to the planning system. However a preferred option has now been made and the submitted application reflects the scale of that option. Since the SADMP is still at a very early stage in production only limited weight can be applied to it. Although many would consider that a plan-led route would be most appropriate way for this site to be assessed, the application has been submitted and must be considered now and on its own merits

In this case of Churchinford a further site has been proposed by the Parish Council as a possible alternative. While this has yet to be fully assessed in policy terms the site lies to the north west of the village, outside of the clearly defined limits on rising ground that is protected as open playing field space for the village as part of a previously approved housing scheme. It is considered that this location is unsuitable due to its location and landscape impact within the AONB and loss of playing field open space that was secured under the 2010 planning application. In my view it is not a suitable alternative to the current application site.

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The 2012 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer. Nevertheless paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”

However the foot note to this paragraph indicates where development should be restricted and this includes sites within designated areas such as Areas of Outstanding Natural Beauty. Paragraph 115 of the NPPF states *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”* Paragraph 116 then continues *“Planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.”*

Members therefore have to consider whether the proposal has a significant adverse affect on the landscape of the AONB, whether the number of houses is acceptable and whether the proposed Development Plan warrants circumstances that are in the public interest. In this instance the Plan is not considered silent in that the village has been identified within the Core Strategy as a Minor Rural Centre and a sustainable settlement that can accommodate further growth under policy SP1. However the plan is considered to be silent on the quantum of development specifically for Churchinford and where that development would be located.

Policy SP1 indicates allocation of small scale sites and ideally sites within the development boundary. However there are no such sites and the two identified sites lie outside existing settlement limits. The application site is considered the better of the two options put forward and meets the Preferred Option and it would provide housing in the area for at least to the end of the plan period in 2028, if not longer.

On the issue of prematurity, advice in Planning System: General Principles document states that refusal of planning permission on the grounds that an application is premature to the outcome of emerging plan policies will not usually be justified. This advice is extant and in this instance the village has been identified for

future growth in the approved Core Strategy. The situation here is that there are limited options available for growth in the village and the determination of the application does not prejudice the aims of the plan.

The following sections consider the impacts of the proposed development.

Sustainability

The site lies on the edge of Churchinford, a village in the AONB designated a Minor Rural Centre which has a local public house, doctor's surgery, village hall, post office and local shop and access to a primary school beyond the village via a designated cycle route. While there is limited local employment, the village has been identified as a Minor Rural Centre and as such a possible location for limited further residential development.

There is a need to conserve the natural beauty of the area as it is an AONB and the AONB Partnership also recognise in their Management Plan that there is a need to preserve the social and economic wellbeing of the communities of the Blackdown Hills. Also in order to reflect AONB Partnership policies, renewable energy provision should be considered as part of any scheme. The provision of renewable sources available to the site and the need to minimise energy demand should be considered. This can however be a requirement achieved through a condition if all other issues are acceptable.

Design

The developer has submitted a Design and Access statement with the proposal and the design and materials of the individual houses reflect the character of the area and the content of the AONB Partnership's Design Guide for Houses. This includes thatched and stone properties, stone with slate roofed dwellings and render and tiled ones. Boundary treatments are indicated as being natural random stone walls or hedging and care will be needed to ensure the construction and finish of any walling is appropriate. The mix of materials has been agreed with the AONB Partnership. Attention has been drawn to the typical estate road paving finish which is often out of character with rural areas and it is considered that this element would clearly need to be carefully controlled. Details of the surface treatment can however be a condition on any approval.

The layout shows a mix of detached and semi detached properties along an internal estate road. The layout has been amended from the previously refused scheme to give a better relationship between plots and the current layout is considered to overcome one of the previous refusal reasons. The location reflects the character of the nucleated settlement pattern and rounds off the village. The houses relate well to the built edge of the existing village and would not materially project out into the countryside. Cross sections of the site are provided and it is not considered that the development will cause any significant impacts to adversely affect the amenity of nearby properties with the residential scheme in place. The revised detail submitted indicates cross sections through the site and it is considered that this information is sufficient to address overlooking issues. The properties backing onto Moor Lane properties are shown 20m from the boundary at the rear with proposed landscape

planting in between. A condition to control levels of the new buildings is also considered appropriate.

Landscape

The site lies to the south of the village on a grassed field. A Landscape and Visual Impact Assessment of the site has been carried out as the site lies within the Blackdown Hills Area of Outstanding Natural Beauty, an area that has significant landscape protection under the NPPF. The site has well established boundaries and is set on the eastern side of the village. The Landscape Officer initially raised concern over the loss of roadside hedgerow, however the applicant has provided a revised landscape strategy plan that addresses the concerns and provides additional planting to the south and east of the site and the adjacent footpath. The site will be visible from a number of viewpoints as identified in the visual appraisal and the layout has been designed to reflect the character of the area and has retained a significant open area to the south to address the concern over impact on the AONB. The main impact lies in the context of the existing village rather than the wider AONB landscape. The concern of the Blackdown Hills Partnership and Natural England is noted however the Landscape Officer is satisfied with the submitted details and it is considered that the new housing will be seen in the context of the existing village with trees beyond from vantage points to the north and against the backdrop of existing properties from the south. The Landscape Officer is satisfied that the development would not harm the character of the area and considers the scheme acceptable subject to a condition of full planting details.

Heritage

The main heritage asset identified is Ford House a grade II listed building to the north of the site. At present this is partially screened by trees and hedging and part of the proposal is to provide a landscape buffer zone along this boundary to protect the setting of the listed building. Ford House is orientated to look south away from the site towards its own garden, so was never designed to have formal views out to the land holding to the west. The visual relationship between the house and land, while it exists is not particularly strong. The old farm buildings within the field will be removed and replaced by housing, however the provision of such housing given the landscape buffer of 8m is considered sufficient to screen and protect the privacy and setting of the listed building.

The Heritage Asset Statement makes little reference to archaeology other than there will be a watching brief on the site. The County Archaeologist would normally require a programme of works condition on greenfield sites, unless he was sure there were no implications. In this instance it is considered a standard programme of works condition would be appropriate if all other matters were acceptable.

Access and Traffic

The proposal for 20 new dwellings includes the provision of a new access off the main road through the village and the removal of around 30m of hedge to achieve this and the associated 2.4m x 43m visibility splay. The Highway Authority raise no

objection to the principle of the scheme considering the access and layout broadly acceptable. The Highway Authority do not consider the traffic increase from the scheme to be such as to warrant an objection to the development.

Parking for each unit is provided with at least 2 spaces per dwelling provided to meet the standard of the County Wide Parking Strategy and the Local Transport Plan. While this is more than the Local Plan policy M4 allows, in light of recent changes to advice the level of parking provision is considered to be acceptable. Garaging is provided for 15 of the 20 units and a condition can be imposed to secure cycle storage. It has been indicated that parking would be provided for existing adjacent properties to the north of the site if they require it, to lessen on street parking and this has been put forward as part of the legal agreement. Conditions in relation to estate road details would also be recommended.

Affordable Housing

The submission provides for 5 affordable units to address the affordable housing need identified by the Council's Housing Enabling Officer. This is for the provision of rented properties - 2 x one-bedroomed maisonettes and 1 x two-bedroomed houses and 2 x 3-bedroomed houses that are shared ownership. The provision of such housing would comply with policy CP4 but needs to be secured through a legal agreement and given that the development here could clearly accommodate the housing required it is not considered that this should form a reason to refuse the scheme.

Ecology

An Ecological Appraisal and Extended Phase 1 Habitat survey has been submitted with the application. The conclusion of this survey was that there is a low ecological value to the site and no protected species identified which would mitigate against its development. Both the Council's Biodiversity Officer and the Somerset Wildlife Trust recommend conditions to ensure biodiversity gain and safeguard protected species. Natural England do not raise objection on wildlife grounds. With the extensive landscaping areas agreed a condition to address ecological issues and enhancements can be imposed.

Drainage

South West Water has confirmed that it has no objection. Foul flows should be connected to the public sewer and therefore there is adequate capacity in the system and nearby treatment works to serve the development.

In terms of surface water issues the Environment Agency has raised no objection on the basis that a detailed mitigation strategy can be provided and conditioned to ensure there is no increased risk of surface water flooding to and from the site. The intention is to secure off site surface water flows via a new drain requisitioned by South West Water with an outfall to the stream to the north. An appropriate condition is considered necessary to ensure the timing of the drainage provision occurs before development construction commences. As such the proposal is

considered to comply with policy CP8 of the Core Strategy and advice in the NPPF.

Community Provision

Retained Local Plan policy C4 requires the provision of adequate play and recreational open space to serve the site. On site children's play should be made in line with policy of 20 sqm per each 2 bed + dwelling. An equipped children's play space can be provided on site and located in a position where it is overlooked to promote natural surveillance. The precise detail of the play equipment on site and its provision can be adequately conditioned if all other issues were considered acceptable. A contribution of £1571 for each dwelling should be made towards facilities for active outdoor recreation and this would need to be secured through a Section 106 legal agreement. The legal agreement would also need to ensure adequate maintenance provision for the open space.

In addition other community facilities are requested in light of policy CP5 and are considered appropriate. A contribution of £209 per dwelling towards allotment provision should be sought as well as a contribution of £1208 per dwelling towards local community hall facilities. The contributions would be spent in locations accessible to the occupants of the dwellings and these would need to be secured through a S106 agreement.

Summary

The settlement of Churchinford is identified in the Core Strategy as a sustainable location for development. The proposal is for a scheme for 20 houses that would satisfy the period of the proposed Local Plan to 2028. Proposals should be considered in terms of the development plan unless material considerations indicate otherwise. The NPPF is a material consideration which carries significant weight and paragraph 14 emphasises the presumption in favour of sustainable development and indicates planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”*

Clearly in this instance there is a strong level of objection to this development on the edge of the village and within the AONB and the Policy Section have identified that it would be preferable if the issues were addressed through the plan process. However an application has been submitted and the development has to be determined. The Policy Section consider that the site suitability, housing and local needs provision and have put forward the site as the Council's Preferred Option. It is considered that this meets the wider public interest. The conclusion is that the principle of the submission is acceptable and there is no significant adverse harm to the landscape, heritage and highway safety and that adequate conditions can be imposed to address design, ecology and play provision. Subject to these necessary conditions and an appropriate legal agreement to ensure affordable housing, community facilities and play area and open space maintenance the proposal is considered to be in the public interest and to comply with the NPPF and is sufficient to set aside the development plan and is therefore recommended for approval.

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

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