

14/14/0037

LINDEN HOMES SOUTH WEST

ERECTION OF 19 RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING PROVISION (RE-PLAN OF PART OF THE APPROVED SCHEME (14/12/0036 AND 14/13/0049) TO PROVIDE A REVISED HOUSING MIX AND AN ADDITIONAL 6 RESIDENTIAL UNITS ON LAND SOUTH OF HYDE LANE, CREECH ST MICHAEL

Location: LAND SOUTH OF HYDE LANE, HYDE LANE, CREECH ST MICHAEL

Grid Reference: 326648.126009

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: subject to the receipt of revised plans to show bin store locations, the completion of a s106 (regarding affordable housing and off-site children's play facilities) and any changes arising from legal advice about the nature of the s106/CIL split -

Conditional Approval

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. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters.

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- details of which areas drain to which attenuation facility and the associated volumes projected
- details of how the scheme shall be maintained and managed after completion

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both on and off site and ensure future maintenance of the surface water drainage system.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the updated report submitted Sunflower international Ecological Consultancy's dated 1st May 2014 and shall include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

5. Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.

Reason: In the interests of highway safety and to ensure construction impacts are managed appropriately.

6. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such

visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

10. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

11. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, including a connection

with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane.

Reason: In the interests of sustainable development.

12. No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure accordance with policy DM1 of the adopted 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. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) 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.

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.

The applicant should be aware that it is likely that 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 Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works.

PROPOSAL AND HISTORY

This is an application for full planning permission covering part of a site which has previously been granted permission for residential development. There is outline and a reserved matters consent for 35 dwellings on land to the south of Hyde Lane, with the reserved matters having been approved by Members at their April meeting of this year under reference 14/13/0049. Many of the conditions attached to the outline consent have now been approved, with some still being negotiated. However, the principle of residential development at this point has been established.

The developer has now decided that there is greater market demand for 3-bed and 4-bed dwellings rather than the 5-bed dwellings that have been approved by the earlier consent. Accordingly the proposed dwelling mix set out in the approved scheme is proposed for amendment seeking to reduce the number of 5-bed dwellings and increase the number of 3-4 bed dwellings through strategic plot substitutions and more efficient use of space. The resultant amendments also facilitate the delivery of 6 additional dwellings to the 13 dwellings which are proposed to be changed. Therefore the application proposals seek to increase the number of dwellings at the application site from 13 to 19 dwellings. The outline consent coupled with this full planning application will result in the application site accommodating a total of 41 no. dwellings and associated infrastructure.

The remainder of the larger outline permission site which falls outside of the application site will be implemented as per the outline permission and conditional reserved matters approval.

SITE DESCRIPTION

The site comprises part of a field on the north-western edge of the settlement, surrounded by established hedgerows. The Motorway (M5) lies on the north-western edge of this site, existing dwellings on Meredith Close and Leighton Drive lie to the east, a further proposed residential site to the south, and the existing primary school and new health centre to the south-east. The site is accessed off the main route through Creech St. Michael (Hyde Lane) which runs from the south-east, along the east of the site and then to the north-west over the motorway. The site is flat and currently laid to grass. Access to the site is off Hyde Lane.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL -

Creech St Michael Parish Council strongly objects to this application. In the past year we have had proposed and accepted 134 new homes on 3 sites all within 500 metres of each other in addition to Hollingsworth Park. Despite the NPPF and government ministers stating the need for local people to be involved in the decision making process our points and fears have been ruthlessly ignored by the planning department. The result is developers are now riding roughshod over local authorities and local communities and profiteering at our expense. There comes a time when sustainability is unsustainable.

In August 2013 the LDF Steering Group issued an advisory statement to clarify Core Strategy Policy SP1. Due to a mathematical error its content is incorrect, the three sites off Hyde Lane totalling 134 homes not 110. However, 110 new homes gave an acceptable increase of 12%, despite the Core Strategy calling for 10%. This new application increases the total to 140 or an increase of 15.55% and does not take into consideration individual approvals. Not only is this over development and outside of Core Strategy principles but acceptance will open the door of opportunity to the other developers. The Core Strategy also calls for minimum of 250 new homes within 5 minor rural centres not 140 or more in one area.

Each application must be considered on its own merits we are told, so this application must be viewed from the standpoint of 134 new homes already approved all exiting onto Hyde Lane. The planning application for the Hollingsworth Park development drew comment from S.C.C. Highways Dept. that Hyde Lane was not fit for purpose in its present format. Each of the 3 succeeding applications drew a similar response with the proposals only being acceptable if donations were made to provide a footway/cycle path for non motorised traffic. To date no plans have been forthcoming despite part of Hyde Lane now being permanently closed. Is it not the responsibility of the planning department to ensure appropriate infrastructure to cope with indiscriminate building?

The statement issued by the Steering Group also states that approved sites will result in a minus figure of available places at the local primary school. How then can an application which will only make this situation worse be approved?

Creech St Michael is unique. It is a minor rural centre and as such must accept a

share of the minimum of 250 new homes, although 134 already approved does seem disproportionately high with this proposal taking it even higher. At the same time within its parish boundary we have a section of the existing urban West Monkton development and a further section (1000 houses?) in the next phase towards Walford Cross. How can we be both? Councillor Mark Edwards told us that we had borne the brunt of developer's tactics and no more houses (other than individual plots) should be approved and yet this developer is blatantly using the law for excessive profits, totally contrary to the spirit of the NPPF.

This application is based solely on the greed of the developer. It removes the balance of the previous application and increases the problems of road safety and education standards and in no way reflects the aims or requirements of the Core Strategy. We therefore request that this application be refused.

PLANNING POLICY -

Have verbally indicated that an additional 6 at this point would not undermine the development plan strategy and that refusal should only be considered on policy grounds if it is felt that the local infrastructure (Roads and schools etc.) would be taken over capacity with the additional 6 units. Their full observations are awaited and will be reported to Members.

LEISURE DEVELOPMENT –

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

There is a signed s106 agreement in place for the approved scheme. An off-site contribution of £2,994.00 per family sized dwelling within the re-plan should be sought towards children's play, to be spent within the vicinity of the development

LANDSCAPE –

No further landscape comments.

BIODIVERSITY –

I agree with the comments made in 'Sunflower Ecological Consultancy's letter dated 1st May 2014.

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. Following detailed discussions with the developer and their agents the affordable housing scheme including unit mix, layout, tenure and location has been agreed (dwg no LIND130718SW 41 AHL02 B). The affordable housing is to meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3

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 has been included within the S106 agreement to prioritise the

homes for local people.

WESSEX WATER –

Thank you for referring the above application to Wessex Water. We have no further comments to add. Comments provided in our email of 20/03/2013 are still relevant.

In summary the earlier comments are as follows - The drainage strategy for foul and surface water disposal can be agreed in principle. The points of connection to public sewer system are accepted and agreed. Foul water flows will drain by gravity to a new pumping station and then pumped to a point of connection at Arundells Way. The final pumping rate and emergency storage requirements will need to be agreed with Wessex Water. Existing public sewers downstream of the proposed development are vulnerable to flooding under storm conditions. Wessex Water has a scheme programmed for 2014/15. This scheme will provide additional capacity with a new sewer and attenuation tank to prevent sewer flooding to downstream property. We are currently preparing scheme design for these capacity improvements. No additional funding or contributions will be required from the developer

Surface water flows will be subject to flood risk measures and requirements agreed with the Environment Agency. These include restricted run off rates and attenuation measures to satisfy the 100 year event and allowance for climate change. The off site surface water sewer connection may need a requisition arrangement with Wessex Water

DRAINAGE ENGINEER -

No further comments to make as conditions 6 & 13 of planning approval 14/12/0036 should still apply.

SOMERSET WASTE PARTNERSHIP –

Observations awaited.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Observations awaited.

SCC - TRANSPORT DEVELOPMENT GROUP –

The proposal increases the number of dwellings served by a proposed new cul-de-sac on the south of Hyde Lane next to the M5, between the village of Creech St Michael and the motorway.

Revised Layout

It is generally acceptable. Plots 16, 17, 18 & 37 and 31, 40, 32, 33, 41 & 34 and other plots at the south end of the site are served off private drives, which need to be built to adoptable standards in terms of materials used and depths laid.

The Local Highway Authority (Somerset County Council) expects developments to provide parking for different types of vehicles, in accordance with the Parking

Strategy 2013. This both encourages sustainable travel and enables residents and visitors to park responsibly without obstructing highways. Adequate provision on this site includes providing for the parking of all types of vehicles likely to park at the development. The garages proposed are the minimum size required for cars and ideally additional provision will be required for bicycles and motorbikes in accordance with the Travel Plan Statement. The site is in Zone B according to the Strategy and the layout provides parking spaces in accordance with this location. In addition to in curtilage provision there appear to be further appropriate unallocated provisions.

The designer will need to consider the interface between permeable paved areas and the prospective public highway areas such that run-off percolating through to the pavement will not have a detrimental effect upon the stability of the highway areas. It is a standard requirement to provide a minimum 1.0m wide buffer of standard paving at this interface and construct the permeable paved areas with levels that fall away from the highway.

A full hydraulic design of the surface water drainage system should be submitted to the Highway Authority for consideration together with detailed drawing(s) confirming the extent of adoption by Wessex Water.

The Travel Plan Statement is satisfactory for the additional number of dwellings on this development; it should be refreshed on the Somerset County Council's OnTravel website.

No Transport Assessment has been submitted accompanying the application however the proposal to increase the development by a further 6 dwellings is a relatively modest increase. There will be some impact though on the single-width sections of Hyde Lane, which is a poor quality, substandard environment particularly for vulnerable road users (pedestrians and cyclists) as the development will generate both vehicular and pedestrian traffic on Hyde Lane.

Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane between the development site and Hyde Lane, this corridor being a most direct route to the school for pedestrians and cyclists. Any new traffic generated by development between Creech St Michael and the M5 may exacerbate pedestrian/vehicular conflict; it is a well-used route to school and it is expected it would be used by occupants of the proposed new dwellings.

Although the carriageway of Hyde Lane can accommodate increased traffic it is our view that this will result in increased risk to road users who have to share the carriageway where for much of its length there are no verges for pedestrians, including groups of school children, to step out of the path of vehicular traffic. The Highway Authority would like to mitigate that risk and need to fund:

- a) install interim traffic management measures; and
- b) a footway and any permanent associated traffic management measures necessary to provide a safe pedestrian and cycle way from the motorway bridge as far as to the proposed Pegasus crossing on the Monkton Heathfield Eastern Relief Road.

These are general highway improvements required to mitigate the impact of this development and others on Hyde Lane. It cannot therefore be said that that the

works are strategic highway improvements associated with the growth of Taunton and Wellington and they do not fall therefore within TDBC's Regulation 123 list. For that reason, SCC does not consider that CIL can be used to fund these works. As this is not development for which CIL could be deployed, the bar on the pooling of contributions via section 106 agreements does not apply. SCC considers that the original section 106 obligations remain valid and enforceable for this specific project. With 6 additional dwellings proposed for this part of the whole development site, an additional contribution of £6,000 should be sought from the developer.

Therefore the Local Highway Authority would not object to the application subject to the developer entering into an agreement to secure:

- A section 106 planning obligation to secure a contribution of £6,000 towards traffic management measures and highway improvements along Hyde Lane serving the development site;

and subject to the following conditions:

- No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Required notes:

It is essential that this approval is read in conjunction with the planning permissions issued on the two previous applications originally submitted in connection with the development site and any conditions upon which such permission was granted must be strictly observed.

Representations

3 letters of OBJECTION received which raise the following issues:

Traffic

- Why put more traffic on a dangerous and congested road.
- Is anything going to be done about the parking situation in Hyde Lane.
- Site traffic will cause major problems.
- Hyde Lane is in dire need of repair, is narrow, has overgrown hedges, and has deep ditches in some areas. This side of Creech needs better road access.
- A safe pedestrian and cycle route needs to be a priority for children going to Heathfield Community school.

Infrastructure

- Creech St. Michael primary school is already struggling and this proposal will

exacerbate the situation.

General and other issues

- The developers seem to want to influence the Council more than they want to help the villagers.
- When the previous site in Hyde Lane was built that too was far in excess of the number agreed at the public meeting.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

LOCAL FINANCE CONSIDERATIONS

It is not clear how much of the current proposal will be liable for CIL or how much would be covered by the original s106 agreement. 13 of the proposed new dwellings technically already have consent, except that the current proposal seeks to alter their size and position within the site. Legal advice has been sought on how best to approach the matter and whether the original s106 will need to be amended. It is currently believed that the whole application site would be CIL liable, and if so this would result in a CIL payment of approximately £217,000 (amount not including the affordable units which would be discounted).

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)	£ 20,502
Somerset County Council (Upper Tier Authority)	£ 5,126

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£123,014
Somerset County Council (Upper Tier Authority)	£ 30,753

However, it should be borne in mind that only 6 of the units are new, the other 13 having previously already qualified for the new homes bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Principle.

Residential use of this site has already been accepted by virtue of outline consent 14/12/0036 and the subsequent reserved matters approval reference 14/13/0049 which was approved by members this year at their April meeting. The current proposal seeks a redesign of part of the site in order to reflect perceived market demand. This will result in an additional 6 residential units. Advice obtained from Planning Policy Officers is that an additional 6 dwellings at this point would not undermine the development plan strategy and so it is not felt appropriate to refuse the application on strategic policy grounds. So on the principle of the proposal, this leaves the significant question as being whether the local infrastructure could cope with the increase. The primary considerations here will be flood risk, road capacity and school places. On flood risk, the drainage will need to be completed satisfactorily, which is possible, and it is noted that the Council's Drainage Engineer is not objecting. The proposal would result in only a marginal amount of new hard surfacing, and this would not significantly increase flood risk to a level that would suggest refusal. The highway and school infrastructure would need to be improved, but this has already been recognised and is in hand as a result of the s106 legal agreement attached to the original consent. In addition, further monies would be obtained from the CIL receipts due for this proposal if permission were to be granted, and the Governance Board would be able to decide to make money available for any locally required improvements. It is not therefore felt that the pressure on local infrastructure would be so severe without possible resolution as to justify a refusal on planning grounds. In reaching this conclusion, I have taken on board the strong objections raised by the Parish Council. They consider that the increase in units now proposed would be in breach of the agreed policy position and would lead to unacceptable pressures on local infrastructure. However, on balance, it is not felt that there could be a sustainable and justifiable objection to this application in principle, particularly given the Government's stance on encouraging house building as espoused in the NPPF.

Layout.

The road layout remains the same as approved. The dwellinghouses remain in a broadly similar place. The big difference is that the units have been made smaller, by virtue of having more 3 and 4-bed dwellings as opposed to 5-bed dwellings. This has allowed for 6 extra units within the scheme. This necessitates the need for 1 extra affordable unit, which is shown within the area approved for affordable housing in the north of the site. The approved 3-bed unit in the north of the site is now shown as two 1-bed units. The other 5 new dwellings are shown in the south of the site dotted around the outward looking periphery, in between other residential properties. Visually, this will make very little difference, because the massing of building would still be contained within the same area. The difference would be the size of the units, now to be slightly smaller. This will not affect any green space within the development as most of this is outside the built area, around the periphery of the site.

The access roads and private drives around the edge of the development are kept in this proposal and will still work well. They will provide single sided development with irregular spacing looking out to the open areas around the perimeter of the development.

It is not considered that the changes to the layout will in any way affect the operation

or visual appearance of the site. Even with the changes, this is still considered to be a good layout which can be recommended for approval.

Scale and density.

The scale of the development with the approved plans was considered to be acceptable. The addition of 6 new dwellings still keeps the site in line with the other new developments approved in the north of Creech St, Michael. The type of units proposed is in keeping with the neighbouring development at Meredith Close which has already been built. There is a mixture of detached, semi-detached and terraced properties, but all are two storeys high, although some have rooms in the roof lit by dormer style windows. There is a good balance between the built form and the open and green spaces, which helps assimilate the development into the village character. The scale of the development is considered to be appropriate and acceptable. The new density proposed by this application would be approximately 19 houses to the hectare (on the application site alone, and 13.5 houses to the hectare on the wider development site as a whole. Either way this is still a very low density of development, and it cannot be said that the additional houses amounts to an overdevelopment of the site in terms of scale and density. The application is acceptable on both of these grounds.

Appearance.

This development will be read more with the surrounding more recent developments, which tend to be 2 storeys high, with the use of red brick, cream render, with some slate but mainly tiled roofs. The current proposals seek to reflect this. The house types proposed throughout this development are considered to be well designed, well proportioned buildings. The result is a mix of house types that are relatively simple in design, that will use a pallet of materials – mainly brick with some render – that respects the local vernacular and will not detract from the character and appearance of the area. The materials chosen are the same as previously considered to be acceptable, namely - brick (Ibstock - surrey red multi 4133 and surrey orange 4131), with K rend stirling white render, and tiles (Redland, double roman - farmhouse red and breckland brown). Architectural features have been added to integrate the design into the neighbouring context, showing key features such as reconstituted stone lintels and sills, side hung windows, and simple eaves detailing.

This will create a simple, pleasing appearance that is in keeping with surrounding context and is therefore appropriate and acceptable.

Highways issues.

It is noted that the Highway Authority are not objecting to the proposal, subject to the provision of some additional information and clarification. They do consider that the additional sums of money that they would require for off-site highways works should be obtained by a new s106 agreement that would stand alongside the original agreement. That is currently being queried, as it would appear that such works should be the subject of a bid for CIL money instead. A legal opinion on how to fund the infrastructure required to make this proposal work has been sought and will be reported to members.

Landscaping.

The landscaping scheme previously approved as a reserved matter will be largely unaffected by this current proposal. Most of the approved landscaping was on the periphery of the development and within the open/green spaces beyond the built form. That does not form part of this application. Some street trees and garden trees are within the new development proposal site, but these have not been affected by the new higher density. This proposal therefore maintains the strong landscape character to the site established by the previous approval and there are no objections on these grounds.

Response to the Parish Council's comments.

Parish Council - The Parish Council has expressed some genuine concerns. They particularly consider that the increase in units now proposed would be in breach of the agreed planning policy position and would lead to unacceptable pressures on local infrastructure. However, it is the view of the planning policy team that a refusal based on the Core Strategy would not be defensible particularly given the NPPF's stance on encouraging house building. It is not felt that the pressure on local infrastructure would be so severe without possible resolution as to justify a refusal on planning grounds and the agreed s106 for the Original application together with CIL receipts from this application can be used to defray any infrastructure deficit.

Conclusions.

The concerns about too much development in Creech St. Michael are understood. However, on all of the primary planning considerations, this proposal is acceptable and does not breach any of the relevant adopted planning policies or standard development management considerations. This results in a scheme that can now be recommended for approval, subject to a successful conclusion on the legal issues associated with s106 and CIL matters.

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

CONTACT OFFICER: Mr J Burton Tel: 01823 356586