

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO2 LTD

Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech Medical Centre, Hyde Lane, Creech St Michael

Location: LAND SOUTH WEST OF CREECH MEDICAL CENTRE, HYDE
LANE, CREECH ST MICHAEL, TAUNTON TA3 5FA

Grid Reference: 326626.125794 Outline Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development lies outside settlement limits of Creech St Michael and would add to the existing housing already granted impacting on the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and policy SB1 of the draft Site Allocations and Development Management Plan.
- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing and maintenance of on site leisure facilities, including any Sustainable Urban Drainage scheme for the site and Travel Plan and therefore would be contrary to policies CP4, CP5 and CP6 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

Recommended Condition(s) (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

The proposal seeks outline permission for the erection of 35 residential properties on agricultural land of 2.64ha with access through the western boundary hedgerow of land to the east which has permission for 44 units.

The application includes a Design & Access statement, a Flood Risk Assessment, an Ecological Survey and an Affordable Housing Statement as well as a draft unilateral undertaking offering land for a footway.

The application is being reported back to Members following deferral on 31st August for consideration as to whether there was further landscape considerations to mitigate landscape harm and any legal mechanism to allow consideration of the offer of the footpath land.

Site Description

The site is an agricultural field surrounded by hedgerows, other than with the canal to the south, and lies outside the settlement limit of Creech St Michael.

Relevant Planning History

The land to the east was put forward as a possible site under the Site Allocations and Development Management Plan and an outline application for the site for 44 units was submitted in December 2012 ref 14/12/0043 and permission was granted with a legal agreement on 2 December 2013. A detailed reserved matters approval 14/15/0013 was subsequently submitted and approved on 15 June 2015.

An outline application for the current site was submitted in November 2015 and was refused on 18 March 2016.

Consultation Responses

WEST MONKTON PARISH COUNCIL - As the development site will be clearly visible from the canal, the amenity of the canal will be negatively affected. The proposed site is outside the village envelope. The 35 extra houses would create extra car movements along Hyde Lane which is already dangerous and probably beyond capacity.

CREECH ST MICHAEL PARISH COUNCIL - I would advise that Creech St Michael Parish Council considered this planning application at its meeting held on 4th July 2016 and decided to OBJECT to the application.

The PC appreciated that this was a resubmission of application 14/15/0034 that was refused by TDBC BUT with a difference in that the application now offers SCC the land for the "safe route to school footway/cycleway) to West Monkton" in return for Permission being granted.

Despite this the PC remains of the view that Creech St Michael has more than shouldered its fair share of development and that this and further applications won't be supported. The PC feels that SCC should be providing a lit footpath/cycleway along Hyde Lane without the village having to accept more development. It also noted that the site was outside of the Village building boundary and that Hyde Lane is insufficient for the volume and use it has at present let along additional building.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to an outline application for 35 dwellings in Creech St Michael.

Traffic Impact

The applicant has provided a Transport Assessment to accompany the planning application. The Highway Authority has assessed the document and has the following comments to make.

In terms of the vehicle trip rates the applicant has envisaged that it will be similar to the previous residential developments along Hyde Lane. The applicant has indicated that there would be 25 two way movements in both the AM and PM peaks. The Highway Authority has assessed this information and it's of the opinion that it is highly unlikely that the AM & PM Peak flows would be mirrored. However from our interpretation of the submitted document it is apparent that this trip rate had been previously agreed with the Highway Authority as part of the previous proposals.

Regarding actual traffic impact it is likely that the proposal will result in an increase in vehicle movements although it is unlikely that the proposal would be considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF). As a consequence it would be unreasonable to object to this proposal on traffic impact grounds.

It is noted that the applicant goes onto state that in terms of the trip distribution there will be a 50/50 split along Hyde Lane. The Highway Authority believes that although at the time when the previous proposals were decided this may have been a realistic representation of the distribution. However since then the Monkton Heathfield development has seen the vehicular link from Hyde Lane to A38 via Brittons Ash has been severed as such this route cannot be seen as an attractive route. Therefore it is the Highway Authority's opinion that it is more likely that this split will be 60/40 or 70/30 with the majority of the traffic turning right into Creech St Michael.

In conclusion in terms of traffic the proposal will result in an increase in traffic however it is unlikely to be considered severe in the terms of the NPPF. However the Highway Authority believes it is unlikely that the proposed trip rates in the AM and PM peak will be mirrored whilst in terms of the trip distribution the applicant has set this as a 50/50 split. However the Highway Authority believes that is not necessarily would be the case with a 70/30 or 60/40 split being more accurate.

Travel Plan & Highways Contribution

It is noted whilst reviewing the TA that the applicant makes reference to the submission of a Travel Plan. As yet the Travel Plan has not been submitted for consideration. The Highway Authority would ask that this occurs as soon as possible. Please note that this document would need to be secured via a S106 agreement.

As part of the previous submission the Highway Authority required the applicant to provide a contribution in terms of delivering the off-site works for Creech St Michael. As part of this submission the applicant has proposed to provide a strip of land for dedication to link the Motorway Bridge and Hyde Lane Cottages for a pedestrian route. This is considered to be acceptable to the Highway Authority although this

would need to be secured via a legal agreement.

Internal Layout

Turning to the internal layout the Highway Authority has reviewed the submitted information and has the following observations to make.

Firstly the Design and Access Statement indicates that the proposal will derive access onto the adopted highway network via the adjoining development site to the east. The road within the adjoining development which this proposal will connect to is proposed to be a shared surface road. However a shared surface road will no longer be appropriate due to the proposed connection with the proposed development site. Consequently a type 4 bitmac carriageway with footways will now be required. As a consequence the applicant will need to contact the adjoining developer to discuss this matter further.

Where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of the carriageway where it is disturbed by the extended construction and to overlap each construction layer of the carriageway to a minimum of 300mm. Cores will need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. The applicant should also be made aware 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 Highways Act 1980 it will be subject to the Advance Payments Code (APC).

The applicant should be made aware of the fact that the adjoining development site to the east of the application site is currently not a publicly maintained highway. Therefore the application site at present will not have a direct access to the public highway.

The following comments relate points that need to be addressed prior to any further detailed submission.

Adoptable 2.0m wide footways will be required along the length of the access road in lieu of the 1.8m wide footways proposed. Adoptable 1.0m wide hardened margins will be required at the ends of all turning arms within shared surface roads. The shared surface roads should be constructed in block pavements. Bitumen macadam shared surface roads will not be acceptable. The longitudinal gradients of block paved carriageways should be no slacker than 1:80 to aid surface water drainage.

The applicant will need to confirm whether the length of carriageway serving bays 19-23 to remain within private ownership or will be offered for adoption. If it is to remain private then a suitable cut off point will need to be agreed.

Where private access paths crossover the prospective public highway margins they should be constructed as per typical Somerset County Council specification. Paving slabs will not be permitted. Grass margins should not be laid up to vertical faces. The last 200mm should be of a hardened surface (mowing strip). Grass margins should not taper off into nothing with the last being bitmac.

Somerset County Council as the Highway Authority has a policy whereby only two dwellings can be served via a private drive. Therefore, can the applicant please look

at extending the limits of adoption up to and including plots 5, 9 and 29 with appropriately dimensioned turning heads provided.

If the parking bays serving plots 19-23 are to but up against any form of structure, including plants or any other type of street furniture they should provide a minimum length of 5.5m.

Turning to drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are available from the Streetworks Team on 01823 357521. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy of the consent forwarded to the Highway Authority. Please note that surface water from all private areas, including drives and parking bays, will not be permitted to discharge out onto the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening.

From reviewing drawing 2156/500 it is noted that it states that an attenuation basin will be maintained by a private management company. Somerset County Council the full details of this company for our records.

Finally, the Design and Access Statement indicates that permeable surfaces will be used as part of the overall surface water drainage strategy. Permeable paved areas should be constructed to fall away from the prospective public highway areas such that if they should fail to perform in the future then this will not result in discharge onto the highway. There should also be a form of suitable buffer between such areas and the highway to ensure that the infiltration doesn't have any detrimental effect upon the structural integrity of the carriageways and footways.

Drainage

The applicant has submitted, as part of the proposal, a drainage strategy which broadly consists of all highway and rooftop being discharged into the Bridgwater and Taunton Canal with a discharge rate restricted to a maximum of 3.0l/s. As this proposal will look to discharge into the canal the acceptability of this drainage proposal will need to be agreed with the organisation that maintains this water way.

Conclusion and Recommendation

Therefore to conclude in traffic impact terms it is unlikely that the proposal will result in a significant increase in traffic on Hyde Lane although the Highway Authority is of the opinion that it is unlikely that the proposal will result in a mirroring of traffic movements in the AM & PM peak periods. In addition we are also of the opinion that the previous understanding of an even 50/50 split is now unlikely with the closure of Hyde Lane instead it is likely to be either a 60/40 or 70/30 split. At present no Travel Plan has been submitted as part of the application although the applicant has indicated that one will be provided.

Turning to the internal layout it is appreciated that this application is for outline permission but the applicant is urged to take account of the above information prior to any further detailed submission if permission were to be granted. Finally in terms

of drainage the applicant will need to speak to gain permission from the organisation that manages the water way which they have proposed to discharge into.

Taking into account the above information the Highway Authority raises no objection to this proposal and if permission were to be granted then the following conditions would need to be attached.

- S106 to include a Travel Plan and secure the dedication for land for the pedestrian link.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 plans and sections, indicating as appropriate, the design, layout, levels, gradient, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing with the Local Planning Authority.

NOTE:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Traffic and Transport Development Group, County Hall, Taunton TA1 4DY or by telephoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specification supplied. The works will be also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

FURTHER HIGHWAY COMMENTS FOLLOWING DEFERRAL

I have looked at the monies that have been secured, and confirm that some (but not all) have been received.

SCC is currently undertaking a study of what can be delivered within the existing highway limits; however there are concerns that the funds secured may not be sufficient to deliver the optimum scheme in terms of highway safety. As I am sure you are aware, when a contribution is secured it is on a 'best estimate' of cost, at the time the negotiation takes place.

Currently it would appear that there are constraints to delivery, which may necessitate additional crossings of Hyde Lane, which is not ideal for journeys, especially to school.

Should the above development be granted consent, the current proposal would provide additional land to the Highway Authority, which would unlock this footway

scheme and provide a better and safer link than SCC is likely to be able to deliver.

Therefore, whilst the SCC recommendation made in relation to the planning application is unchanged, if TDBC is minded to grant consent for this development, it is recommended that the land is secured for a better footway scheme, however occupations are restricted until this footway has been provided and is available for use.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 10/26). I have attached a plan for your information. We would request improved surfacing of the existing right of way through the access to the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Sally Vickery (Rights of Way Officer).

We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath 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 footpath unless the driver has lawful authority (private rights) to do so.

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 Somerset County Council 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) 483069.

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

The proposed scheme incorporates:

Social Rented - Plots 15, 16, 21, 22, 23 (2 x 1 b flats, 2 x 2b bungalow and 1 x 2b house)

Shared Ownership - Plots 17, 18, 19, 20 (2 x 2b bungalows, 1 x 2b house, 1 x 3b

house)

(NB – This is taken from Drg No 15.37.01D. The affordable housing statement refers to plot 12 instead of plot 21, which does not tie up with the Site Layout Plan. I have taken this to be an error and used the details set out on the Site Layout Plan.)

This scheme was considered as part of the previous planning application (14/15/0034) and is considered broadly acceptable but I would flag up the following points. Potential concerns regarding the service charge of the shared surface areas that serve the bungalows and the parking court arrangement not being ideal owing to this being remote from the properties it serves, particularly the southernmost terraced properties (plots 21, 22 and 23).

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning application.

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

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

WESSEX WATER - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's [S104 adoption of new sewer guidance DEV011G](#) for further guidance.

The applicant has indicated that foul water sewers and public water supply mains will connect via the recently approved neighbouring development at Land to South of Hyde Lane Creech St Michael; this is acceptable in principle to Wessex Water.

The applicant has indicated that surface water will be disposed of from site via an on site pond to the neighbouring development pond before discharge to a small length of existing public surface water sewer which outfalls to the canal. The canal trust in their response advise;

“Drainage - We note that the applicant intends to send surface water drainage from this site into attenuation basin for the land adjoining. Surface water then appears to run into the canal via the Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge rate and water quality will not have an adverse impact on the canal.”

Wessex Water are conveying surface water from site to canal; the developer will have sized attenuation storage and sewers to replicate greenfield run off rates. The run off quality will alter depending upon the current land use in relation to the proposed.

We believe, however, that a new outfall from the proposed attenuation pond on this site direct to the canal will help mitigate potential impact of discharging into the canal all at just one single position and simplify proposed arrangements.

The applicant should discuss these matters further with our development engineer and the canal trust if approval is gained and prior to reserved matters.

LEISURE DEVELOPMENT - In accordance with Local Plan Policy C4. Provision for play and active recreation should be made for the residents of these dwellings.

The development proposal comprises 35 dwellings, 32 of which are family sized 2 bed+ dwellings. Both equipped and non-equipped on-site children's play should be provided of 20 square metres per the family sized dwelling at total of 640 square metres. The equipped play area should be a LEAP of a minimum of 400 sq metres suitable for use for children aged up to 8 years. The LEAP should contain at least 5 pieces of play equipment, seating, signage and bin. Play spaces should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. TDBC Open Spaces should be asked to comment on the design and content of the equipped play area.

BIODIVERSITY - See comment made in connection with 14/15/0034

Habitats

The proposal would result in the loss of approximately 1.8 ha of improved grassland and a small section of species poor hedgerow for access. The proposal includes a buffer area of meadow grass and tree planting to the canal, as well as a new attenuation pond. I agree that, during construction, measures should be put in place to avoid potential pollution of the canal.

Bats

There are no trees with bat roosting potential on site. Bats are likely to forage around the hedgerows, trees and canal. I support the recommendation for sensitive lighting to avoid light spill.

Birds

Birds are likely to nest within the hedgerows on site so vegetation should only be removed outside of the bird nesting season

Dormice

Dormice may be present in the hedgerows so clearance of the short section of hedgerow should be undertaken in a precautionary manner. If any dormice or active nests are found then works must stop and the applicant will need to apply to Natural England for a licence. Alternatively a two stage clearance can be undertaken

Water Vole and otter

The canal adjoining the site may be used by water vole and otters. The proposed buffer adjacent to the canal will give increased cover for these animals. The attenuation pond may provide additional habitat for water vole.

Reptiles

If the site is left unmanaged it could be colonised by reptiles. To prevent this the grass should be cut

Suggested Condition for protected species:

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 Richard Green Ecology's Ecological Appraisal dated October 2015 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
- Measures for the retention and replacement and enhancement of places of rest for the species
- Details of lighting
- A Landscape and Ecological Management Plan (LEMP) for the site

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

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

Informative Note

1. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process

2. 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.

ENVIRONMENT AGENCY - The Environment Agency has no objections to the proposed development, but wishes to make the following comments:

The site is located partly within Flood Zones 1 and 2, being at low and medium risk of flooding. The Environment Agency would normally object to applications which do not include a Flood Risk Assessment but are within Flood Zone 2. However, we have considered whether the proposed development would be exposed to an unacceptable flood risk or would increase the risk or extent of flooding to other properties/uses. There is only a small portion of the site that is located within Flood Zone 2, and provided there is an 8m easement from the top of the bank of the canal to the edge of the development, then the development will be located outside of the flood zone. Therefore, it has been concluded that there would be no material exacerbation of flood risk as a consequence of this development.

The Local Planning Authority (LPA) must be satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met.

SCC - FLOOD RISK MANAGER - The development indicates an increase in impermeable areas that will generate an increase in surface water run-off. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has indicated within the submitted drainage strategy plan, ref:2156/500 dated November 2015, an intention to attenuate surface water run off within a detention basin located in the public open space area to the south of the site, this includes a flow control unit to maintain discharge rates at 5l/s. It is intended that this discharge will flow to the existing attenuation pond located within the adjacent previously developed site. However, the applicant has not provided detailed drainage calculations to support the proposed attenuation basin or to evidence that the existing attenuation pond on the adjacent site has spare capacity to accommodate these additional flows.

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

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

These details shall include:

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Resident's Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the NPPF, paragraph 103 of the NPPF and the Technical Guidance to the NPPF (March 2015).

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 located on the edge of the settlement of Creech St Michael and has good levels of access to a range of services and facilities in the village. The site is also well-related to transport infrastructure, which includes an hourly service to Taunton with a journey time of approx. 30 minutes.

Creech St Michael is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The 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. Creech St Michael is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered. It is anticipated that through the SADMP 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 SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13th 2015. An initial hearing sessions were held on 1st and 2nd of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrowe. Further hearing sessions concerning the soundness of the rest of the SADMP were held between 30th of March 2016 and 5th of April 2016. A hearing session to discuss the proposed allocations in the minor rural

centres was held on 31st of March 2016.

The Planning Inspector in his post hearing letter to the Council dated 13th of May 2016 stated that he had reached a preliminary view that the Main Modifications discussed at the preliminary and main hearings into the Plan are all that are necessary to make the Plan sound. The Inspector's proposed main modifications to the Plan did not include alterations to the proposed allocations in the minor rural centres. Consultation on the proposed Modifications to the Plan document was submitted for 6 weeks public consultation on 3rd of June 2016. The Inspector in his letter to the Council indicated that once the consultation process is complete, he will consider any further representations before reaching his final conclusions and completing his final report to the Council. With this in mind, significant weight can be put on the Draft Plan Document.

The SADMP is proposing to allocate three sites in Creech St Michael; Land at Hyde Lane for around 40 dwellings, Land north of the school for around 55 dwellings and land off Hyde Lane for around 44 dwellings. The land at Hyde Lane already benefits from full planning consent for 35 dwellings with an amendment for a further 6 units. The site north of school already benefits from a full planning consent for 55 dwellings. The site off Hyde Lane also already benefits from full planning consent for 44 dwellings. All three sites will deliver 25% affordable housing in line with adopted Core Strategy policy CP4.

The proposal is contrary to the emerging Site Allocations and Development Management Policies Plan. The draft SADMP has already identified enough land in Creech St Michael (around 139 dwellings in total through the three allocations) to meet a significant proportion (over 50%) of the adopted Core Strategy housing requirement for Minor Rural Centres. This would equate to over 12% of growth over the current settlement size.

Although the adopted Core Strategy does not set a ceiling for the number of dwellings to be accommodated within each Minor Rural Centre, the Council anticipated through the SADMP that growth in the Minor Rural Centres should be in the region of 10% without comprising the role and function and the capacity of local infrastructure, services and facilities as well as taking into account the availability of suitable and achievable development sites.

As the Council's housing trajectory demonstrates, even without any allowance for further allocations in the Major and Minor Rural Centres it appears likely that the Core Strategy requirement for 1,500 dwellings in the rural areas would be met. On this basis the Council proposed that only a minimum number of new units for allocation through the SADMP, this will help to ensure that the Core Strategy and the Council's approach to focusing development in Taunton in the first instance is not undermined. As the three allocated sites already benefit from full planning consents there is certainty regarding the likelihood of these sites coming forward.

The latest Strategic Housing Land Availability Assessment (SHLAA) 2015 currently identifies a five year deliverable supply of 6.11 years when planning for a five percent buffer of housing land and 5.34 years when planning for a twenty percent buffer. This figure assumes that the historic shortfall is spread evenly over the remaining years of the Plan period. A further calculation has been incorporated in line with the National Planning Practise Guidance where the shortfall is met upfront.

This calculation identified 5.73 years of housing land with five per cent buffer and 5.01 years supply with a twenty per cent buffer. In all scenarios the Council is able to demonstrate a five year land supply.

Although the SADMP has not yet been adopted, the draft Plan has reached an advanced stage and the Plan has been subject to extensive community engagement prior to being submitted for examination. Therefore, from a planning policy point of view it would not seem preferable to see development come forward on this site as it has not been identified through the Plan making process.

LANDSCAPE - The site is elevated sloping down to the canal. It will be prominent in the landscape when viewed from the canal and railway line to the south. The existing hedge to the east forms a logical boundary to the former development. The new development appears to be jutting out into the open landscape to the west and so appears less well contained.

COMMENTS ON AMENDED PLAN

I do not consider that additional structural planting will make the site more acceptable for housing. This new development pushing west into the open countryside, is not adequately contained and so will harm the rural character of the area.

OPEN SPACES MANAGER - No comment.

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) - After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, subject to the imposition of suitably worded conditions.

Drainage

We note that the applicant intends to send surface water drainage from this site into attenuation basin for the land adjoining. Surface water then appears to run into the canal via the Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge rate and water quality will not have an adverse impact on the canal.

Landscaping

Landscaping adjacent to the Canal can affect how a development is perceived from the waterspace and towpath and needs to be designed and located to ensure it has no structural impact on the waterway and that the species are suitable for a waterside location. We note that the proposal includes additional specimen tree planting in close proximity to the canal. We suggest that further details of the landscaping adjacent to the Canal is provided and that the Canal & River Trust is given the opportunity to comment on its suitability due to the possibility of tree roots impacting on the structural integrity of the canal bank. This may be overcome by moving the trees further from the edge, or providing a root barrier. Whilst the canal bank is the responsibility of the applicant, any failure of the bank, or overhanging of

the canal by tree branches may impact on the navigation of the canal. We would request that the existing canalside hedge is retained to provide habitat and screening.

We request that further information is provided prior to determination in order to avoid the need for a condition and to ensure any retained planting is protected during construction work if necessary.

Pollution

During the construction phase of the development there is the possibility of pollutants entering the waterway, either through spillage, surface water run off or wind blow. This will be covered by our third party works process which controls works adjacent to a waterway.

Contamination from car parking areas can also cause pollution and so suitable Oil interceptor traps should be provided to prevent pollution entering into ground or surface water.

Lighting

In order to protect the appearance of the canal and reduce the impact of the development on habitat no lighting should be provided adjacent to the waterway.

Conditions

Details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

In addition, if further information is not provided prior to determination we request that the following condition is also imposed.

Notwithstanding the plans submitted prior to the commencement of development, further details of additional or retained landscape screening and tree planting shall be submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Canal & River Trust, and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Landscaping should enhance the biodiversity of an area and provide screening. The type and location of landscaping also has the potential to impact on the integrity of the waterway and navigational safety.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact the Principal Waterway Engineer on 03030 404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

Representations Received

Cllr Cavill – I write in support of the above application. I believe that the future safety of the local school children outweighs the impact of this development as it adjoins new development on the edge of Creech St. Michael. A very sustainable site having local school, shop and pharmacy in close proximity.

It is worth noting that the CSM Parish Council was split over its views on this site and that it was only by the Chairman’s casting vote that the council objected to the development.

11 objections on the grounds of

- too many houses,
- outside of settlement limits,
- site access is on a bend and is inadequate,
- increase danger to children,
- Hyde Lane is dangerous,
- safe footpath is a sop to gain approval and should be provided anyway,
- will increase traffic in proximity of school and medical centre,
- detrimental impact on scale and character of the village,
- impact on quality of life,
- should refuse as before and not accept "bribe" of footpath,
- it does not satisfy Local Plan requirements,
- unless amenities and transport links are improved no further applications should be considered for approval,
- unnecessary extension to the village,
- contrary to policies SP1, CP8 and DM2 of Core Strategy and SB1 of Draft SADM plan, and CP4, CP5, CP6 and CP7 of the Core Strategy and C4 of the TDLP.
- School and health centre will not cope with increase,
- increase noise and disturbance,
- increase in pollution from traffic,
- impact on wildlife,
- ground unsuitable.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the

Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,

Local finance considerations

Community Infrastructure Levy

Using house sizes given on drawing no. 15.37.01D this development measures approx. 3730m².

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £466,000.00. With index linking this increases to approximately £550,000.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£37,767
Somerset County Council (Upper Tier Authority)	£9,442

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£226,604
Somerset County Council (Upper Tier Authority)	£56,651

Determining issues and considerations

The main considerations with the proposal are the policy issues, sustainable location, landscape and biodiversity impact, community issues, affordable housing, drainage, access and highway safety.

Policy

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). While the application site is close to the settlement boundary of Creech St Michael, a Minor Rural Centre which has good access to a reasonable level of services and facilities, it is in the countryside and beyond the housing allocations identified in the Site Allocations and Development Management Plan (SADMP). It is not a site identified in the SHLAA and the 3 sites identified for housing extension of Creech St Michael in the draft plan have now all had planning permission in detailed form and the increase in housing for Creech St Michael totals 140 dwellings. This would equate to over 12% of growth of the current settlement size.

A plan-led route would be most appropriate way for this site to be assessed, however the application has been submitted and must be considered now and on its own merits in light of its location and policy guidance. The SADMP is a strong material consideration until the time of adoption. The legal test here is whether there are any material considerations that outweigh the development plan.

The application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The NPPF states there is a presumption in favour of sustainable development and that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

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

In this instance it is considered that the development plan is not silent as it recognises Creech St Michael as a sustainable location for development. The Site Allocations and Development Management Plan (SADMP) is also well advanced and is awaiting the Inspector's report and all the identified sites to be allocated for residential development in the village have received planning permission. The site lies outside of that identified in policy SB1 of the SADMP. There is a five year land supply and the Core Strategy policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However the site lies outside of existing and proposed settlement limits and so is contrary to the development plan and draft Site Allocations and Development Management Plan which must be accorded significant weight.

The following sections consider the impacts of the proposed development.

Sustainable Development and Accessibility

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements. The proposal is for 35 units and would add to the 140 dwellings already granted which meets over 50% of the adopted Core Strategy housing requirement for Minor Rural Centres. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal. Access to the secondary school is possible via Hyde Lane but is considered dangerous in its current state and the Highway Authority is seeking a contribution to secure improvements in light of other contributions received from the other sites developed. Other than this the site is generally considered accessible and sustainable.

Landscape and Biodiversity Impact

The site is a sloping pasture field bounded by hedgerows to the west, east and north and lies between an approved residential development and doctor's surgery to the east and fields to the west. The site will be visible from the residential properties to the east and north and it will be prominent in the landscape when viewed from the canal and the railway line to the south. The existing hedge to the east forms a logical boundary to the former development. This new development appears to be jutting out into the open landscape to the west and so appears less contained particularly from views from the south across the canal. The land falls away to the south and while the development of the site has been designed to restrict development to the northern part of the field it would be visible in short and in long distance views and it is not considered that this can be suitably mitigated by landscape planting. The development would therefore extend urbanisation into the countryside in a prominent location contrary to policy.

There is scope to enhance the existing planting to the west and south, however this would have limited impact in screening new housing. Planting would also be required to landscape the attenuation pond and the Canal and Rivers Trust consider there needs to be control over any planting close canal as well as control over lighting in proximity to the canal. A condition to address this could be imposed and is considered appropriate if other matters were acceptable.

There are no protected species identified as using the site and its agricultural use has limited the biodiversity benefits. Habitat improvements will be sought through condition which would include the provision of tree and shrub planting to the western boundary and a condition to protect and preserve wildlife could also be proposed if other matters were acceptable.

Community Issues

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities should partly be

provided on site and this could be conditioned as part of any approval. A play area can be provided on site and the provision for outdoor active recreation will need to be sought through CIL towards facilities off site. The maintenance of any on site play area will need to be secured through a Section 106 agreement.

Affordable Housing

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 9 dwellings which will need to be secured through a legal agreement with a local connection clause and ensure priority is given to local people in housing need.

Drainage

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which is an area of least risk. The site lies out of the flood risk zone so meets the sequential test. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system directly via the site to the east. Wessex Water has confirmed the existing treatment works has capacity and a condition to ensure an appropriate drainage strategy is recommended by Wessex Water and the Lead Flood Authority.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. This utilises an attenuation pond which will feed into the attenuation pond previously approved and then links to Wessex Water storm sewers but with additional on site infiltration and storage capacity. The Lead Flood Authority and Environment Agency has raised no objection to this scheme and the former recommends a condition to ensure an adequate strategy is provided on site.

Access and Highway Safety

The access to the site lies off an existing adopted highway where there is adequate visibility in both directions given the road speed limit. The applicant is proposing a footpath link from the site to the existing residential development on Hyde Lane. The Highway Authority is satisfied with access and capacity of the road to take the additional traffic generated.

A previous concern and potential objection was in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and a number of objectors. The applicant is proposing a unilateral undertaking to provide land to allow for the highway improvements. The Highway Authority recommend contributions from this site to address the highway safety concerns or the unilateral undertaking offered. Previously contributions have been sought under Section 106 agreements to secure the recommended highway improvements in terms of a footway for Hyde Lane towards the secondary school. Such provision was provided for prior to the implementation of the Community Infrastructure Levy via the three allocated sites in the draft plan. The footway is considered important to the Highway

Authority who would accept the unilateral undertaking offered. Following legal advice the interpretation of the amended Regulation 123 list would allow for development that is not strategic transport improvement associated with the growth of Taunton or Wellington. It is, therefore, considered that the footpath is not a CIL item in terms of the Regulations as the site is outside a Minor Rural Centre.

The contribution previously sought for improvements was £1000 per dwelling and so over £100,000 would be collected through existing legal agreements to contribute to the Highway Authority's request. This would provide potential improvements to safety along the road to the west. As part of the current proposal the applicant is attempting to offset the policy objection to the development by offering land for the necessary highway improvement works previously sought by the Highway Authority. While the offer of land would be beneficial and is not objected to by the Highway Authority, it would not seem to be reasonable or necessary to make this development acceptable in planning terms in relation to the other developments granted and could be viewed as an unjustifiable obligation for a development that is considered contrary to policy and otherwise unacceptable.

A Travel Plan is also a requirement of the Highway Authority and one has yet to be submitted and agreed and this would need to be agreed by the Highway Authority and also need to be secured through the legal agreement if the development was otherwise acceptable.

The Highway Authority recommend conditions, however it is considered that a number of these are either unnecessary or unenforceable and consequently if the proposal is considered acceptable, conditions could be imposed in respect of visibility, highway details, parking, turning, drainage and footpath/cycle links.

Other Issues

The receipt of the New Homes Bonus is noted, as is the likely CIL contribution, however it is considered that such matters will always be the case with new housing schemes and the weight attributable is therefore considered limited.

Conclusion

The proposal has been considered against the relevant development plan policies in the Core Strategy as well as the principles identified in the NPPF. The application is not genuinely plan led in that it is contrary to the well advanced Site Allocations and Development Management Plan and the adopted Core Strategy and there is an identified 5 year housing supply. While it would deliver 35 additional homes and provide community benefits in terms of affordable homes and land for highway works, the latter is considered unreasonable in relation to the development and the development would have an adverse landscape impact beyond an existing clearly defined hedgeline projecting into the countryside. It is considered that the landscape impact of the new housing here in a village which has already taken a considerable increase in housing as part of the Local Plan proposal would not be warranted given local housing need in this rural location and therefore planning permission is recommended for refusal.

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

Contact Officer: Mr G Clifford