

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT FOR 20 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AND ALLOTMENTS AT LAND TO THE NORTH WEST OF OVERLANDS, NORTH CURRY (AMENDED SCHEME TO 24/13/0032) (AS AMENDED BY REVISED DOCUMENTS RECEIVED 11 NOVEMBER 2013)

Location: LAND TO NORTH WEST OF OVERLANDS, NORTH CURRY

Grid Reference: 332205.125151

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to policies CP8, SP1 and DM2 of the Taunton Deane Core Strategy.

The Council's Preferred Options as part of its Site Allocations and Development Management Plan are still out at public consultation. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to policy SD1 of the Core Strategy.

- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing, community/leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

- 3 The applicant cannot demonstrate that there would be a legal and achievable link from the proposed development through either Canterbury Drive or Nine Acre Lane, and in the absence of this, the site remains remote from the village facilities, increasing the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy.

- 4 In accordance with the National Playing Fields Association standards for

play provision, to meet the needs of the development a childrens play area should exist no further than 400 metres away from the development. The existing parish play area and the shortest walking route to it as proposed by this development would greatly exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m. The application makes no such on-site provision for childrens play. Therefore, the proposal is contrary to retained Local Plan Policy C4, which seeks the provision for play and active recreation for the future residents on development schemes.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

- . 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 looked 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

Planning permission is sought, in outline, for a development of 20 houses, on land at the southern end of North Curry bounded by Canterbury Drive, Manor Farm, Overlands, and open countryside beyond. A feasibility study forms part of the proposal and shows a mixture of attached, semi-detached and terraced properties, 5 of which are clearly identified as affordable units. A central spine road is shown running through the site with some footpaths and separate pedestrian movement channels. The northern half of the site is shown containing public open space which would form a buffer between the proposed dwellings, the adjacent grade II* Listed Building - 'Manor Farm' other listed structures, the North Curry Conservation Area and the newer properties on Canterbury Drive. The open space includes an attenuation pond, to help with flood alleviation, a car park (for 10 vehicles) and a small area for allotments. The open space also shows a footpath link through to Nine Acre Lane, but the submission does not indicate how Nine Acre Lane might become available for public use. Vehicular access into/out from the site is shown off Overlands only. Landscaping is indicated, with a strong emphasis on boundary hedging where the site would border the open countryside. However, the submitted layout is clearly only illustrative as the proposal seeks permission with all matters to be reserved.

The application includes a Design and Access statement/Planning Statement, a flood risk assessment, an ecological survey, a tree survey, vegetation appraisal and constraints, a travel plan statement, and a transport statement, although it must be emphasised that much of this information is a straightforward copy of that submitted with a previous application for 30 dwellings (now refused permission). The Applicant has been asked to specifically amend, supplement and tailor the information to

relate to the current proposal only, and some of this information has been accordingly amended.

SITE DESCRIPTION AND HISTORY

The proposal site is an area of land of approximately 2.34 hectares in size, to the south of the public footpath (P.R.o.W) linking Stoke Road with Overlands and running parallel with White Street, on the south-eastern edge of North Curry.

The land is currently outside of the settlement limits as defined in the 'Settlements Limit Review' forming part of the Adopted Core Strategy for which a consultation process was undertaken earlier this year. Following 2 further consultation processes on the allocation of sites for housing development, the current application site is now identified as a preferred option, a status which is itself out for further public consultation.

The site was the subject of an application for the development of 30 houses in two phases, which was considered by Members at their meeting at the beginning of September. That application (24/13/0032) was refused, primarily because it was identified as being 'premature' within the Local Plan process. Refusal of that application is currently under appeal, to be dealt with by the written representation method. A decision on that appeal is unlikely to be made until the New Year.

Applications for Planning permission and Listed Building consent are also currently being considered for the conversion of outbuildings at Manor Farm, Stoke Road (immediately adjacent to the current application site) to form residential dwellings and ancillary uses. These are concurrent application and are awaiting an opinion from English Heritage (given that it affects Listed Buildings). So the decision is still pending.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PLANNING POLICY -

The application site is beyond settlement limits and its development for housing would consequently be contrary to policies CP8, SP1 and DM2 of the adopted Core Strategy. The site is proposed for allocation within the Council's emerging Site Allocations and Development Management Plan (SADMP) which has recently been published for public consultation. The proposal accords with that proposed allocation although it should be noted that since the Plan has not yet reached its 'Draft' stage, the Council has not as of yet formally identified development requirements for an allocation on this site.

Whilst the Overlands site has now been identified in the SADMP Preferred Options, Officer's previous concerns about prematurity remain. The outcome of the Preferred Options consultation is currently unknown and it is likely that the promoters of alternative sites would still wish to see their sites considered fully through the development plan process.

Should planning consent be granted on the Overlands site this would likely prejudice the final outcome of the SADMP which is still to be examined by an independent planning inspector. It could also increase the risk of further, un-planned development being consented within the Village counter to the emerging SADMP.

For these reasons, and irrespective of whether Overlands is the 'best' site for the Village, it is clear that that the potential adverse impacts of granting planning permission at this time outweigh any benefits that may arise from a planning consent.

NORTH CURRY PARISH COUNCIL -

Objects to the granting of permission as it considers the application pre-empts the result of the Site Allocations and Development Management Plan consultation that is currently under way. The site is currently outside the settlement limit of North Curry and, until the consultation is complete, changes to these limits are unknown.

SCC - TRANSPORT DEVELOPMENT GROUP -

The Highway Authority has the following observations to make on this proposal.

Traffic Movements

The estimated trip generation for this development would be unlikely to have a significant impact on the local road network. In terms of the distribution it is assumed that the majority of traffic will be associated with Stoke Road. Given the level of flows produced the Highway Authority accepts that the traffic impact would be small. Whilst there is some narrow points along White Street visibility is considered acceptable. The additional traffic from the development may mean occasional additional delay though it is unlikely that the impact could be considered sufficiently severe to object on traffic impact grounds.

The submitted Transport Statement states that the provision of a new public footpath link between the northwest corner of the site and Nine Acre Lane is also proposed. No indication is given to its suitability in darkness or poor conditions. Having viewed Nine Acre Lane, it is also noted that it provides car access to a few dwellings at the end of the lane. Whilst this would amount to very small number of daily vehicle trips, given the narrowness of the lane for passing and hindered visibility, it is the Highway Authority opinion that this may not encourage a modal shift away from car usage.

In terms of parking the applicant has proposed to provide car and cycle parking in line with Somerset County Council's parking standards. Given that this proposal is for outline consent this commitment is reasonable. Although the applicant should be aware of the requirements relating to motorcycle and electric charging points.

In pure traffic impact terms the level of movement is not considered to be significant enough to warrant an objection in these terms. However the Transport Statement has not identified weaknesses in the walking and cycling network. Although it is accepted that the applicant has attempted to make improvements to how pedestrians would access the site.

Estate Roads

The applicant should be aware that part of the internal layout will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act

1980 will therefore be subject to the Advance Payment Code. At the point where the proposal ties into the existing carriageway allowances shall be made to resurface the full width of Overlands where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. The proposed access will need to be constructed with 6.0m junction radii together with visibility splays based on dimensions of 2.4m x 43m in both directions. There shall be no obstruction to visibility greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council. Furthermore the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Overlands.

The applicant should note that adoptable forward visibility splays based on lengths of 25m, will be required throughout the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level. The full extent of the splays will be adopted by Somerset County Council. At the western end of the proposed internal access road an adoptable suitably dimensioned turning head will need to be provided.

It is presumed that plots 13-17 will be served via a private drive. This being the case and to satisfy Advance Payments Code legislation, it will be necessary to construct the 'private drive' to an adoptable standard in terms of materials used and depths laid. In addition to satisfy Advance Payments Code legislation, the proposed footpath link that runs along the northern and eastern boundaries of plots 15-19 could be adopted by Somerset County Council. The footpath will need to be constructed as per typical Somerset County Council bitumen macadam standard and adequately lit and drained.

The widths of the entrances to the 'Car Park' should be a minimum of 4.1m, whilst all private drives serving garages shall be constructed to a minimum length of 6.0m. Tandem parking bays should be a minimum of 10.5m in length and any parking bays immediately in front of any form of structure, including planting, shall be a minimum of 5.5m in length. Finally no doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads.

The applicant will need to provide further information on the future maintenance liabilities of the attenuation pond together with the footpath link from the site to Nine Acre Lane. It should be noted that surface water from all private areas, including parking bays/drives, will not be permitted to discharge onto the prospective public highway. Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. It must not be presumed by the applicant that a right connection to an existing highway drain will be granted. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council.

Finally the applicant will need to consult the Somerset County Council's Rights of Way Team to discuss the proposed footpath diversion further and to obtain the relevant orders.

Flood Risk Assessment

The applicant should be advised at the earliest opportunity that Somerset County Council's highway design standards do not include permeable paving and therefore Somerset County Council will be unable to adopt the road. If the ground does prove to be conducive to infiltration, then the designer may wish to consider the use of traditional soakaways (designed to Somerset County Council requirements) to discharge run-off from the access road only as this may then, subject to all other highway design matters being suitably addressed, enable Somerset County Council to enter into an agreement to secure adoption of the access road.

Conclusion and Recommendation

The proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. However the applicant is urged to take account of the increase in vehicle movements on pedestrians and other road users. The estate road is broadly considered to be acceptable although the applicant is urged to take into account the points that have been raised in the Estate Road Team's audit.

Therefore based on the above information no objection is raised to this proposal and if the Local Planning Authority were minded to grant planning permission I would require the following conditions to be attached:

- 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 full implemented prior to works commencing, and thereafter maintained until the use of the site discontinues.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops, 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 purposes, plans and sections, indicating as appropriate, the design, layout, levels, gradients, 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 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.
- 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 drawing works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Also advises the following informative :-

- 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 for the Taunton Deane Area at the Highway Depot, Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

LEISURE DEVELOPMENT -

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the future residents. The application makes no on-site provision and expresses a preference for an off-site contribution. In accordance with the NPFA standards for play provision to meet the needs of the development the play area (for which the contribution would provide) should not be further than 400 metres from the development. The existing parish play area and the shortest walking route to it (should a link be possible through Canterbury drive) would exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m.

A contribution of at least £1,571.00 per dwelling for active recreation and £1,208.00 per dwelling towards local community hall facilities would be required.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings/public realm, or by a commuted sum to the value of 1% of development costs.

The provision of land for allotments is welcomed.

HOUSING ENABLING -

Makes the following observations - 25% of the new housing should be affordable with a tenure split of 60% social rented 40% shared ownership. The mix has been discussed with the applicant and should be - social rented (2 x 1b2p maisonettes with own entrance and separate bathroom plus 1 x 2b4p house), shared ownership (1 x 2b4p house plus 1 x 3b5p house). The affordable housing scheme must meet the Homes and Communities Agency Design and Quality Standards 2007, including

at least Code for Sustainable Homes Level 3 (or any subsequent standard at the commencement of development). The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list, and it is recommended that a local connection clause be included to prioritise the homes for local people. The Scheme must be submitted to and approved in writing by the Housing Enabling Lead at the Council.

HERITAGE (Conservation Officer) -

The proposed new houses are some way off from the listed complex at Manor Farm and the Conservation Area, compared with the previous application (24/13/0032). Given that the ground here is relatively flat, this increase in distance decreases any impact on the setting of these heritage assets. I consider that any harm to the significance of these heritage assets would be negligible and certainly not sufficient to warrant refusal of this application on these grounds.

ENGLISH HERITAGE -

The heritage significance of Manor Farmhouse lies in its age, its unusual plan form, the architectural detailing of the building, its location at the periphery of North Curry and its historic role as an agricultural entity at the edge of the village. The open character of the land surrounding the farm defines its relationship with the historic agricultural land holdings, thus forming its wider setting. It is acknowledged that this land is no longer in the ownership of Manor Farm, however its open character preserves an understanding of the farms original outlying location and the historical association it once had with the wider landscape.

A proposal in this position will have a considerable impact on the setting of Manor Farm which is a grade II* listed building and a number of other farm buildings including a grade II listed hay barn. E.H. has concerns regarding the negative impact that the scheme will have on the strong visual historical and contextual relationship between Manor Farm and the surrounding open landscape to the west. This scheme will extend the settlement outside the existing boundaries of North Curry in a way that creates a 'green pocket' that will be difficult to safeguard in the future. It therefore fails to protect the setting of Manor farm going forward.

E.H. feel that the current proposal is an improvement on the previous scheme, however they still feel that the siting of further residential units at the southern end of the site would encroach on the setting of Manor Farm, having a negative impact on the Listed Building and Conservation Area. It is therefore maintained that the proposal does not fulfill the requirements laid out in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990, both of which give considerable weight to the protection and enhancement of heritage assets. Also, the scheme fails to preserve the setting of Manor Farm for the future due to the potential for future residential infill development on the open space. E.H. ask that if the Council is minded to approve the proposal then appropriate action is taken to safeguard against such infill, to include altering the proposed road layout through the open space in order to minimise any assumption towards accessing further houses off this road.

E.H. also has concerns about the premature nature of this current proposal which fails to comply with the methodology set out in the 'Sites Allocations and Development Management Plan'. This extension to the village boundaries outside of the agreed settlement boundary would have a negative impact on the setting of

this heritage asset and the conservation area.

ENVIRONMENT AGENCY -

Observations awaited

SCC - FLOOD RISK MANAGER -

Observations awaited

DRAINAGE ENGINEER -

Observations awaited

WESSEX WATER -

Foul Water - There will be capacity in the existing public foul sewer in Stoke Road to accommodate the flows from the proposed development. About 100 metres of off site sewer would be required along Canterbury Drive to connect into the sewer in Stoke Road. The site has a reasonable gradient (from south to north) towards Canterbury Drive so a gravity connection should be achievable.

Surface water - There is a public sewer available for connection in Stoke Road, but its capacity will need to be confirmed if connection is required. On-site attenuation and flow control will be required. However a SUDS solution should be explored

SOMERSET DRAINAGE BOARDS CONSORTIUM -

The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the Moor area of West Sedgemoor and ultimately onto the River Parrett. The Board would hope to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The Environment Agency will also need to agree the design principles of the surface water strategy and if appropriate consent any modification.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system and at least mimic the existing 'greenfield run-off' from the land, with an emphasis on betterment and any variation or modification will need to be agreed. Particular attention should be paid to the control of the volume of the discharge from the proposed site as well as flow rates.

Within the FRA produced to support the application there are a number of likely surface water disposal measures proposed. Any surface water strategy is not complete until the maintenance liabilities of the various parts of the proposed surface water strategy including any storage facilities are clearly identified. Details of the design and the liability of the surface water drainage infrastructure will need to be included within the plan. Maintenance of storage volumes should be maintained to the highest standard to ensure uncontrolled discharges are not experienced.

The Board would suggest and encourage the use of Sustainable Urban Drainage Systems (SUDS) within the surface water disposal design strategy, with emphasis on the use of infiltration techniques to reduce the impact on the downstream receiving systems. The agent handling the FRA has suggested this plus the use of

water harvesting and permeable paving within the proposals.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system. Good sustainable design is about utilising all methods of SUDS design and the Board hopes that the proposals will consider all good practice.

NATURAL ENGLAND -

The advice provided in the response to the previous application equally applies here. The proposed changes relate largely to size and are unlikely to have any significantly different impacts on the natural environment.

Previous comments stated that the proposal would not affect North Curry Meadow SSSI, and be unlikely to affect any European protected species. The Developer would however need to use the 'Protected Species Standing advice'. Also recommends the applicant considers opportunities for enhancing biodiversity and enhancing the character and local distinctiveness of the surrounding natural environment.

CAMPAIGN to PROTECT RURAL ENGLAND [CPRE - SOMERSET GROUP] -

Object on the grounds of national and local planning policies on sustainability. Government figures released in April now shows that Taunton Deane needs less housing than originally anticipated. In this light, CPRE considers that the Borough should reconsider its allocations for market housing in the Minor Rural Centres. There is no identified need for market housing in North Curry. The site is outside of the settlement boundaries. The village has limited public transport services and employment opportunities. North Curry is an unsustainable location for market housing. The application should be refused for the same reasons as given with the previous application. Property developers will pass on the cost of providing affordable housing to the market housing prices and this pushes up their value making the properties even further out of reach for local people.

BIODIVERSITY -

The site consists of improved grassland surrounded by species poor hedgerows.

Protected sites - North Curry Meadow SSSI is located 0.5km to the east, Curry and Hay Moors SSSI is located 1 km to the north and West Sedgemoor SSSI is located 1km to the south east

Badgers - Badger runs have been noted previously and a badger dung pit, which indicate use of the site by badgers. However, no active badger setts are known to have been found on site although there is an old sett along the west hedgerow, occupied by foxes. This sett should be monitored. Provided that badgers do not move back to the sett it can be closed without a licence. In the absence of badgers a precautionary approach involving the installation of one way gates and regular monitoring visits are needed until an ecologist is certain that the foxes have left. If badgers move back to the sett, it can only be closed between July and November with a licence.

Bats - There are no trees on site suitable for roosting bats; however commuting and foraging bats are likely to use the grassland and hedgerows. Any lighting should be sensitively designed.

Dormice - Hedgerows on site are not characteristic of dormice habitat and there is a lack of connectivity to the wider countryside.

Amphibians - There are no ponds on site and the land was intensively farmed

offering little potential for Greater Crested Newts. However, land immediately to the west (pasture beneath a redundant orchard) as well as the hedgerows on site may provide suitable terrestrial habitat for amphibians

Reptiles - The hedgerows and field margins have potential to support slow worms

Birds - Hedgerows on site provide potential for nesting and foraging birds. The field habitats are probably unsuitable for ground nesting birds. Any vegetation clearance should take place outside of the bird nesting season

I suggest a planning condition for protected species:

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -

Observations awaited, but commented on the previous proposal that there were no records of any archaeological activity on site as it lies outside of the medieval core of the village and there was no evidence of prehistoric or Roman activity nearby. Therefore, it appeared that there were no archaeological issues on this site.

DIVERSIONS ORDER OFFICER - Mr Edwards -

Public footpaths T17/11 and T17/12 are affected by the proposals. These are in the south of the site. Other issues are raised by any proposed use of Nine Acre Lane. It is currently privately owned and Somerset County Council would have to oversee the legislation involved with creating a public footpath at this point

SCC - RIGHTS OF WAY -

Footpaths T17/11 and T17/12 are public rights of way (PROW) recorded on the Definitive Map which cross the area of the proposed development. The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. If the route is to be diverted, this will be done by Taunton Deane District Council.

It has also been noted that there is a proposed footpath link to 'Nine Acre Lane'. The Rights of Way Dept. at Somerset County Council will need to be contacted regarding any creation of a footpath.

In addition, if it is considered that the development would make the PROW less convenient for continued public use, or create a hazard to users of a PROW then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

ECONOMIC DEVELOPMENT -

Observations awaited.

SCC - CHIEF EDUCATION OFFICER -

Observations awaited.

Representations

Members of the public who have written in **OBJECTING** to the proposal have expressed the following views:-

Flooding issues

- I do not feel that this amended scheme adequately addresses the flooding issues which were so serious last winter. This development would only make things worse.
- Even if the scheme itself won't flood, run off may exacerbate flooding elsewhere in the village.
- There is doubt as to whether the existing sewers could take the extra load.
- The public footpath from Manor Lane diagonally across the site to Overlands is useful, used and should be preserved.
- Any increase in drainage will make flooding likely.
- An open attenuation pond will attract vermin and need continuous maintenance (which is unlikely to be done).
- The attenuation pond should be sited in an underground chamber.
- Surface and foul drainage must be pumped via modern drainage through Overlands.
- Sort out North Curry's flooding issues before you allow any new build.
- Developing on this site would reduce the land's ability to absorb water causing flooding misery for residents.
- Over the last 30 years, 70 houses have been added to this area of the village, plus a further 70 at the western end, all of which have been connected to a drainage system designed for a small agricultural community in the 1800's.

Highways and transportation issues

- Overlands and White Street are not adequate for the increased levels of traffic likely to be experienced from such a large development.
- There is no safe pedestrian route to the village centre.
- The Transport Statement and Travel Plan require amending as it still refers to 30 homes.
- Another likely 40 cars using the access to Overlands will place significant pressure on the White Street Overlands roadways, also creating additional traffic noise.
- An alternative access onto Stoke Road should be investigated in order to spread the traffic flow around the village.
- There are no jobs in North Curry so everyone going to and from work from the new development would add extra pressure on currently dangerous roads.
- Some highway works may have to be carried out in White Street to control the vehicle speeds e.g. traffic calming measures.
- Will lead to a marked increase in traffic using Stoke Road.
- The extra use of White Street will cause problems for emergency vehicles.
- An increase in journeys, with bends in roads, poor visibility and no footpaths in places, would make an accident more likely.
- There is no guarantee access can be obtained either through Nine Acre Lane or Canterbury Drive which means that all access would have to be via White Street.
- Pedestrian access via Stoke Road to the village is not safe. Parents would not allow children to walk to school and so they would be taken by car.
- The increase in rush hour traffic through an already congested village centre is not acceptable.
- No indication is given as to whether a footpath access along Nine Acre lane has

yet been negotiated.

- The footpath link to Nine Acre Lane must be tarmacked to cater for the elderly, pushchairs, wheel chairs and cyclists. Gravel will not be acceptable.
- The new path to be created and that on Nine Acre Lane will need to be lit at dark.
- The Transport Statement does not address the concerns of the highway Authority.

Visual and amenity issues

- The site is used by many walkers (along the PRow) and a large housing development would lead to a loss of space, freedom and visual appeal.
- The historic Manor Farm (the oldest farm in the village) would be completely surrounded by modern housing.
- Manor Farm should be left in an agricultural setting as per its listed status.
- A development of this size would radically alter the character of the village.
- It is impossible to impose a modern suburban development on a medieval landscape.

Planning policy issues

- The community response as part of the parish Plan process clearly indicated a preference for several small scale developments over a number of years. This would allow for easier integration of new families and for organic growth of vital village services to support them.
- The proposal pre-empts the work to be done by the Borough Council.
- The grant of permission now would prevent a proper examination of the preferred options document at the required public enquiry.

Capacity issues

- The scale of this size development is not warranted in our village.
- The proposed development would be of a very different scale to the surrounding developments of Overlands and Long Fields. The individual plots are very small and do not provide adequate green spaces or parking.
- We wish to keep our village as a village and not a suburban overflow.
- Can the site reasonably take 20 houses?
- The site shows tiny plots leading to cramped development.

General and other issues

- Not sure there is a great demand for affordable houses as those in White Street have now been sold and the social housing in Barton Way has not been allocated to anyone local for years – they come from Chard, Highbridge etc.
- I can see nothing in this new application that would cause a different decision to be made.
- Appears to be a good balanced development with open spaces, allotments and mixture of dwellings.
- Will monies be available to expand the school and surgery?
- The proposed development serves government directions for more housing countrywide rather than being a reflection of local priorities and aspirations.
- Traffic would exit White Street joining Stoke Road at a dangerous corner.
- The narrow roads without pavements around North Curry are not suited to even more traffic.
- The concerns previously raised by residents have not been addressed in the current application.

- The village has consistently expressed a preference for much smaller, phased developments.
- The reduction in houses to 20 will make little difference to the flooding issues, lack of school capacity lack of pavements, and increased traffic in the village.
- The application should be refused on the grounds of prematurity until proper public consultation has been carried out.
- 3 allotments is hardly a viable site and no more than a token gesture.
- Who will have ownership of and maintenance responsibility for the land designated as open space and the attenuation pond?
- What would stop a phase 2 of housing at the end of the access road?
- The plan led preferences have not advanced sufficiently to discount the previous reason for refusal.
- This is not a better scheme.
- The draft site allocation preferences have not been debated and tested locally.
- Dumping great big suburban developments in the middle of little villages is not the way to go.
- There is insufficient detail to support a s106 agreement to allow a proper analysis to be made of what would be provided as part of any permission.
- With reference to the open space and attenuation pond, the applicant should be required to transfer ownership of the land to the Parish or Borough Councils with a substantial commuted sum for future maintenance purposes.

There was one letter which was generally in **SUPPORT** and it made the following point:-

- I am delighted that the proposal works within village boundaries, avoiding sprawl onto agricultural land.

PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,
 ROW - Rights of Way,
 EN14 - TDBCLP - Conservation Areas,
 EN12 - TDBCLP - Landscape Character Areas,
 S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),
 EN15 - TDBCLP - Demolition Affecting Conservation (HISTORIC),
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 CP8 - CP 8 ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
 SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
 DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 22,981
Somerset County Council (Upper Tier Authority)	£ 5,745

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£137,888
Somerset County Council (Upper Tier Authority)	£ 34,472

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The applicants refer to paragraph 14 of the NPPF claiming that, as the development plan is silent on the allocation of sites at North Curry permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework.

The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference has been made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a Small Sites Allocation Plan

The adopted Core Strategy policy SP1 states.....

*“Minor Rural Centres are identified as Cotford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be **small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.** For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD”*

The Small Sites Allocation Plan is currently being produced and potential sites have been identified. These have now been evaluated and been the subject of public consultation. The LPA has now published its preferred options plan and this is currently out for further consultation. This included a public consultation exercise in North Curry on 20th November.

Considering the above, the development plan is not silent about the future development in minor centres although it is still technically silent with regard to the allocations for the location of development. The preferred options plan would have little weight until it becomes either a draft document or until it is submitted for examination. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

“where the development plan is absent, silent or relevant policies are out of date,

decision takers should grant permission unless:

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

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission at this time significantly and demonstrably outweigh these benefits. Whilst the Overlands site has now been identified in the SADMP Preferred Options, Officer's previous concerns about prematurity remain. The outcome of the Preferred Options consultation is currently unknown and it is likely that the promoters of alternative sites would still wish to see their sites considered fully through the development plan process. Should planning consent be granted this would prejudge the final outcome of the SADMP which is still to be examined by an independent planning inspector. It may also increase the risk of further, un-planned development being consented within the Village counter to the emerging SADMP. For these reasons, and irrespective of whether Overlands is the 'best' site for the Village, it is clear that the potential adverse impacts of granting planning permission at this time will outweigh any benefits that may arise from a planning consent. The proposal is therefore considered unacceptable on the grounds of prematurity. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

The application site is beyond settlement limits and its development for housing would consequently be contrary to policies CP8, SP1 and DM2 of the adopted Core Strategy. The site is proposed for allocation within the Council's emerging Site Allocations and Development Management Plan (SADMP) which has recently been published for public consultation. The proposal accords with that proposed allocation although it should be noted that since the Plan has not yet reached its 'Draft' stage, the Council has not as of yet formally identified development requirements for an allocation on this site. As a result it is considered that the site lies beyond the currently approved settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

Flood risk and drainage.

Many of the representations express great concern on this issue. An initial consultation response has been received from the Environment Agency and they raise objection on the basis that the risks of increased flooding to and from the site have not been adequately assessed or addressed. This would not meet the requirements of the National Planning Policy Framework, nor would it meet the requirements of policy CP8 of the Adopted Core Strategy. This is much in line with the consultation comments received from the Somerset Drainage Board Consortium. The sticking point is with the degree of off-site works that would be required to overcome this objection and how this could be incorporated into any decision to approve the development. This is an important issue given the degree of flooding that occurred last winter, and it is recommended that approval should not be granted until this issue has been resolved.

Impact on heritage assets (Listed Building & Conservation Area).

The County Senior Historic Environment Officer has already stated (previous application) that there are no records of any archaeological activity on the site, nor prehistoric or Roman activity nearby. On this basis he is not objecting and there will be no need to place a 'watching brief' as a condition of any approval.

The proposal site is immediately adjacent to the grade II* listed Manor Farm. The barns and cartshed some 10 metres west of Manor Farm are listed as grade II in their own right. There are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. These factors mean that the site is sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets.

The North Curry Conservation Area Appraisal Document (adopted and published in September 2007) identifies the adjacent conservation area as being within 'character zone 2', where "*a high proportion of buildings are of considerable size and massing, but well balanced by open space*". Building density tends to be low in zone 2. The document also identifies that one of the principal negative features upon the character and appearance of the Conservation Area is "*the development of modern houses around its fringes*". The document states that this has undermined the historic character and appearance of North Curry. It goes on to state that "*the volume of such housing (built as small estates as opposed to being individual pieces of infill) does mean that it has very perceptible impact upon the scene*". Any consideration of this current proposal will need to be mindful of such a negative outcome and ensure that it did not replicate the negativities of past development.

The starting point for such a consideration is always to review the submitted 'Statement of Historic Significance'. The submitted document concludes that the proposal would sit comfortably adjacent to and adjoining the conservation area and would not be detrimental to its setting. It also concludes that the proposal would have little if any impact upon the significance (including setting) of Manor Farm house. The Heritage Impact Statement acknowledges that there would be some impact upon the other listed buildings given their proximity to the development, it states that they are far less significant than the Manor Farm house itself and so the impact upon their setting is considered to be acceptable causing little harm. Based on this, and the fact that there was no objection on heritage grounds with the previous application, the Council's Conservation Officer is not now raising any objection to the proposal.

However, English Heritage have a differing view and have concluded that the proposal should be refused. E.H. state that the siting of further residential units at the southern end of the site would encroach on the setting of Manor Farm, having a negative impact on the Listed Building and Conservation Area. They maintain that the proposal does not fulfill the requirements laid out in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990, both of which give considerable weight to the protection and enhancement of heritage assets. They conclude that the scheme fails to preserve the setting of Manor Farm for the future due to the potential for future residential infill development on the open space.

Affordable Housing.

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has shown. This equates to 5 dwellings which can be secured through a legal agreement with a local connection clause to ensure priority is given to local people in housing need. Further details are given above in the section giving the observations of the Housing Enabling Lead.

Public Rights of way (PRoW).

There are a couple of Public Rights of Way that affect this site. The primary route which is part of the East Deane Way, skirts the eastern boundary of the site. There is also a PRoW that traverses the middle of the bottom half of the site. The existence of these PRoW's is a valid and material consideration. The Agent has indicated that the applicant would seek a diversion order to realign the two PRoW's rather than seek a stopping up order, and has provided details of the proposed realignment in both cases. A suitably worded condition placed against an approval to ensure that no development took place unless a diversion order was granted would be sufficient to meet the requirements of statutory regulations in this regard.

The Application also shows a link through to Nine Acre Lane. Nine Acre Lane is not a Public Right of Way, although it is believed that local people do use this route. Ownership of the lane or the constituent parts of the lane cannot be traced, and so the applicant has not been able to negotiate legal right to use it in connection with his proposal. It is also understood that the County, as the responsible authority for Public Rights of Way, would not fund the provision or maintenance of a new P.R.o.W. anyway. Given all this, it is recommended that the Committee does not take the existence of Nine Acre Lane into account in determining this proposal, as the only guaranteed public access to the village facilities would be via Overlands, White Street and Stoke Road.

Highways and access issues.

Many concerns have been expressed about the proposal in relation to access, and the local road network. The general gist of the concerns relate to the chosen point of access into the site and its perceived inadequacy due to poor highway widths along Overlands and White Street often as a result of parking on the road, together with areas of missing pavement along White Street and a lack of street lighting. The views of the Highway Authority are key and they have concluded that the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. This is consistent with their comments on the previous application. The full views of the Highway Authority is given above, but to summarise, it is their view that the proposal is acceptable on technical highways grounds. Since the revocation of the Structure Plan, the County has no policy hooks to deal with issues of transport sustainability, and so this issue is deferred to the Borough for consideration under its adopted Core Strategy. As such, it is noted that the applicant has suggested a link along Nine Acre Lane. This could only be a footpath link due to its width, surfacing and lack of lighting, however, it would dramatically improve accessibility from the proposed site to the village facilities. However, it is a fact that the applicant does not own or control Nine Acre Lane, and it is not clear who does. The link would need some considerable improvement before it could be used as a Public Right of Way and would take some considerable sums of money to maintain it in a fit and proper state. It is unlikely that the County would want to take on such a financial burden, but they would in any event be unable to do so unless legal ownership could be

established. Therefore, the application does not demonstrate that there would be a legal and achievable link from the proposed development through Nine Acre Lane (or Canterbury Drive) and in the absence of this, the site remains remote from the village facilities. The only guaranteed route would be through Overlands which would be long, quite tortuous and involving missing footpaths, which is far from ideal for taking kids to school or getting the elderly to the doctors, so would inevitably involve more car trips which is contrary to the whole ethos of village life. The proposal would therefore increase the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy”.

Wildlife and biodiversity issues.

It would appear, based on the evidence submitted, that there are no insurmountable concerns with either wildlife or biodiversity issues. Neither Natural England, nor the Council's Biodiversity officer are raising any substantive objection. That said, there is general agreement that there will need to be a 'watching brief' particularly in respect of possible (or otherwise) badger activity from the identified badger runs, dung pit and old setts. Care will need to be taken in respect of lighting at the site and a lighting strategy will probably be required in order to prevent light pollution or spill that could interfere with commuting or foraging bats. Officers are of the opinion that all of these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey. However, if any further research required by this survey does show that the proposal would adversely impact upon any wildlife or protected species, then this could seriously impact upon the applicant's ability to implement the scheme (if permission were to be granted), or at the least may involve major expense and time in mitigation.

'Heads of Terms' for items to be covered under a Planning Obligation.

The Council has not as yet adopted its Charging Schedule under the Community Infrastructure Levy Regulations. The draft charging schedule has now been examined in public (Wednesday 24th July), and the Examiner's report has concluded that the charging schedule can be adopted. This however is not likely to become policy until 1st April 2014 and until that time, the Council will continue to ask for a contribution towards the cost of all on-site and off-site facilities that might be required in order to make the development acceptable. Such matters would need to be guaranteed by way of a Planning Obligation under s106 of the Town and Country Planning Act. This will necessitate a legal agreement in order to guarantee the items required. Such an agreement will need to be entered into before any planning permission could be issued. No such agreement is currently on the table for discussion.

The following matters would need to be addressed in the legal agreement:-

Affordable Housing – The application suggests that 5 of the 20 proposed units should be affordable. This is in line with current Council policy CP4 of the Core Strategy. However, the legal agreement will need to confirm where these units should be positioned, and the exact form of tenure, all of which is detailed above in the comments made by the Council's Housing Enabling Officer. The applicant has accepted this

Leisure and Recreation – This is charged on all developments of 6 houses or more, and so is applicable in this instance. The Community Leisure officer has pointed out that the walking distance to the existing play facility for the village adjacent to the school would be in excess of the required maximum walking distance for the under 8's. Therefore the recommendation is that a Locally Equipped Area for Play (LEAP) for the under 8's of at least 400 sq. m. is provided on site, or the land allocated and money provided for the Council to provide such a facility. The Community Leisure Officer has also asked for a contribution of £1,574 per dwelling towards the provision of active outdoor recreation, and £1,208 per dwelling towards local community hall facilities. These figures would need to be index linked and spent in locations accessible to the occupants of the dwellings. A public art contribution is also requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value 1% of the development costs.

Education – A common theme in the representations received is the fact that the existing village school is at capacity and would need to be expanded to cater for any increase in dwellings within the village. The Education Authority did not agree with this on the previous application. Then it was suggested that the additional 30 houses proposed would generate extra demand for places that could be accommodated at the village school. So, whilst the Education Authority's observations are still awaited in respect of the current proposal, as this is for less dwellings there is not expected to be an 'in principle' objection. However, whilst no contribution would be due for pre or primary school education, a contribution would be required for secondary education, as the nearest nominated school in Taunton is at capacity.

Highways and Transportation – The observations of the Highway Authority are still awaited. Nevertheless, in addition to their standard technical comments, it is expected that they would cost any additional transportation infrastructure, traffic calming measures, footpath improvement schemes within the village, sustainable transportation measures and items within the agreed green travel plan that they may consider necessary to make the scheme acceptable. Early discussions with the Highway Authority indicate that there is unlikely to be much 'off-site' works required if at all.

Additional matters – It is considered that any legal agreement would also need to include measures for the provision and maintenance of the public open space and allotments that are being proposed. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. This is all agreed by the Applicant.

Conclusion.

The Parish Council consider that the proposal would be still premature within the 'Sites Allocation' process of the Local Plan.

The Highway Authority's final observations are awaited, but they did not have any over-riding 'in principle' objection to the previous proposal for more dwelling units.

It is commonly agreed by the relevant experts that biodiversity issues could be

overcome and dealt with by way of appropriately worded conditions, although a 'watching brief' would need to ensure that the identified badger setts remained inactive.

There is still an objection from the Environment Agency, although the developer is working to overcome this. Wessex Water have agreed that the proposal could meet their requirements subject to some on and off site works. A full drainage strategy would need to be submitted and approved before any development commenced (via an appropriately worded condition).

A diversion order would be needed to deal with the new line proposed for part of the Public Rights of Way.

The Education Department at the County have stated that the existing village school would be likely to have capacity for the number of children of primary school age that this proposal would generate. Other ages would need to be the subject of contributions to improve facilities under a Legal agreement.

Community leisure are not objecting, but suggest the provision of an unsupervised play area equipped for children of early school age and would require contributions as part of any Planning Obligation.

Housing Enabling, have suggested the tenure type for affordable housing requirements should the application be approved.

English Heritage are still of the opinion that the proposal would cause harm to the Grade II* listed Manor Farmhouse and its setting and are consequently recommending refusal. The development would in their opinion alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. They are also concerned about the potential to develop further on the open area shown which would further and more seriously impact upon the listed buildings. They also cite policy reasons for refusal.

Most significantly, the application is considered to be prejudicial to the legal framework and progress of the Local Plan process. The Planning Policy Team has profound concerns about the timing of this application ahead of the formal adoption of the Site Allocations Plan. The clear preferred route for consideration of the relative benefits or otherwise of this site is through the SADMPP process. On this basis, a decision to refuse the proposal on the grounds of 'prematurity' is considered to be appropriate. It is concluded that the Council should decide the application in line with the Core Strategy and the 'genuinely plan led' process as espoused in paragraph 17 of the NPPF and recommend refusal. The LPA is clear that the adverse impacts of allowing this development significantly and demonstrably outweigh the benefits.

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

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