

10/10/0024

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

ERECTION OF 22 DWELLINGS (15 MARKET DWELLINGS AND 7 AFFORDABLE), A VILLAGE SHOP AND CHANGE OF USE FROM AGRICULTURE TO COMMUNITY USE OF AN ADJOINING FIELD FRONTING CHURCH ROAD AT NEWBERRY FARM, TAUNTON ROAD, CHURCHINFORD (AS AMENDED)

Grid Reference: 321202.112809

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to secure a contribution for the improvement to the sewage treatment works, the future use of the adjacent field for recreation purposes, maintenance of the play area, provision of a community shop and affordable housing.

The proposal is considered not to have a detrimental impact upon visual or residential amenity and would have limited visual impact within the wider landscape of the AONB and would not give rise to highway danger. In addition there would be adequate drainage provided for the new development and the benefits of the development in terms of recreation, affordable housing and a community shop is therefore considered acceptable and sufficient to outweigh the location outside of the settlement limit and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure and Recreation provision), M4 (Residential Parking) and EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule by Peter Smith Design Service Ltd revised 17/2/11.

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. The boundary treatment shown on drawing 1068/01F shall be completed before **building(s) are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the

protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of construction works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

8. Details of the materials of the windows and doors hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

9. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates Ecological survey, dated October 2010 **and further monitoring of the badger sett to be undertaken** and include:

- Details of protective measures to include method statements to avoid impacts on wildlife 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 enhancement of places of rest for wildlife.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate protected **species** from damage in accordance with PPS9.

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

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

11. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
 - (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

12. There shall be no occupation of more than 8 dwellings on the site until the improvement works to the sewage treatment works have been agreed with South West Water and carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: To ensure adequate foul drainage provision to serve the site and prevent pollution.

13. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to sport and recreation facilities for

occupiers in accordance with Taunton Deane Local Plan Policy C4.

14. A schedule for each dwelling shall be submitted to and approved in writing by the Local Planning Authority indicating a renewable energy source for each property and the said source must be commissioned and installed prior to occupation.

Reason: To ensure a sustainable source of energy is provided in accordance with PPS1 Supplement and C12 of the Taunton Deane Local Plan.

15. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge, unless otherwise agreed with the Local Planning Authority, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

16. The boundary hedging to the roadside (east) and northern boundaries of the site shall be retained and not removed at any time.

Reason: In the interests of the ecology and character of the area in accordance with policies EN10 and S2 of the Taunton Deane Local Plan.

17. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the near side carriageway edge 70m either side of the access. Such visibility shall be fully provided before any part of the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

18. 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.

Reason: To ensure adequate parking space clear of the highway in the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

19. No part of the access drive shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

22. No house construction work shall commence on the development hereby permitted until details of the footway shown on drawing no.3624-101A have been submitted to and approved in writing by the Local Planning Authority. Such footway shall be fully constructed in accordance with the agreed plan and specification before any part of the development is first occupied.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

23. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge to the highway and details of which shall be submitted to and approved in writing by the Local Planning Authority and thereafter so provided.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

24. Details of the surface finish to roads within the site, other than tarmac, shall be submitted to and approved in writing by the Local Planning Authority prior to their formation and thereafter carried out as agreed.

Reason: In the interests of the visual amenity and character of the area in accordance with policy S2 of the Taunton Deane Local Plan.

25. 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 during the construction period. 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 construction on the site has ceased.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

27. The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

28. The windows hereby permitted shall be recessed in the wall to a minimum of 70mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of the building and character of the area, in accordance with policy S2 of the Taunton Deane Local Plan.

29. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent loss of boundary walls, fencing or hedges between the houses and road ways to protect the character of the area in accordance with Policy S1(D) and S2 of the Taunton Deane Local Plan.

30. Development shall not commence until satisfactory means of the surface water drainage disposal for the site has been submitted to and agreed in writing by the Local Planning Authority. The timing and future maintenance of the works shall also submitted to and agreed by the Local Planning Authority and thereafter carried out as agreed prior to the occupation of any

dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory surface water disposal and to prevent flood risk in accordance with PPS25.

31. Notwithstanding the detail on drawing on 1068/01F the small section of hedge separating the play area and open space shall be removed prior to the area being brought into use.

Reason: To ensure improved surveillance of the play and open space area in accordance with policy S2 of the Taunton Deane Local Plan.

Notes for compliance

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. Works to be undertaken on or adjoining the publicly maintainable highway require a licence under Section 171 of the Highways Act 1980 and must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning 01823 356011. Forms should be submitted at least 4 weeks in advance before works are proposed to commence.

The Highway Service Manager, Taunton Deane Area Highway office, Burton Place, Taunton, Tel. 0845 345 9155 must be consulted at least 7 days before access works commence.

PROPOSAL

The proposal is for the erection of 22 dwellings, including 7 affordable units, on land within and to the north of the settlement boundary of Churchinford. In addition to the housing the applicant is offering the adjacent field for recreational open space and a new build shop unit for community use on the main road frontage.

The application was accompanied by an Ecological Survey, an Affordable Housing Statement, a Planning Statement, a Stormwater Drainage Strategy, a Transport

Assessment, a Design Statement and a Landscape and Visual Impact Assessment.

SITE DESCRIPTION AND HISTORY

The site consists of approximately 1.25 hectares of farmland, two thirds of which is grassland and a third of which is land that was a former yard and buildings of the farm that lies within the settlement limit.

Previous permission exists in outline for 8 dwellings, ref. 10/08/0030 which included land within and just beyond the existing settlement limit.

The site has been considered as a suitable one for a small extension to the village in the LDF consultation and the draft Core Strategy recognises Churchinford as a local rural centre suitable for limited future growth.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - Parish Council support the proposal.

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposed development site lies outside the Development Boundary Limits for Churchinford which does not accommodate adequate services and facilities such as, employment, health, retail and leisure whilst the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan, Adopted April 2000 and Policy S7 of the Taunton Deane Local Plan. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail a Transport Statement was submitted as part of this application and has been passed to our Traffic Analyst for comment, his observations are set out below.

In regards to the traffic impact the Transport Statement (TS) uses TRICS data sets to estimate trip generation of around 10 movements in each peak hour and a total of around 77 per day. The TS argues that this is partially offset by the extant permission for agricultural use. To some extent this may be a reasonable argument the previous impact is not quantified, and the farm is no longer in operation.

Turning to the parking requirements for the site, according to the TS, at an average of two spaces per dwelling. This is within the Somerset County Council Countywide Standards, and considered acceptable for the location. Based on the Parking Schedule (a separate document) and the Site Layout Plan, however, it is not clear how the numbers have been calculated. It is further noted that the Planning Statement quotes 2.7 spaces per dwelling. This contradiction needs to be clarified.

Plots 4 and 13 have space for a large number of vehicles to park. Conversely at least three dwellings (Plots 1-3) do not have off-street parking other than their garages. Part of the development would see the construction of a shop, which will be provided with two spaces, within the development, and presumably shared with the apartment, and a short layby on Taunton Road. Careful consideration needs to be given to whether this is sufficient; presumably delivery vans will use the layby leaving space for at most one shopper's car. It is thought that at busy times, there is likely to be a requirement for some shoppers to park on-street.

No details have been provided have been given on cycle parking. This needs to be clarified, both for residential units and the shop, and provision should be in line with Countywide Standards. In this context it is noted that a small number of dwellings, plots 15-16, do not have a garage. The Planning Statement and not the Transport Statement suggests that back gardens could be used (presumably after occupancy) to provide storage, but Plot 15 at least does not have outside access to the garden.

Finally, the development falls within the threshold for a Measures-Only Travel Plan. This is likely to mean appropriate provision of travel information and suitable infrastructure such as cycle parking. Although to some extent this is considered in Section 5.2, there is no actual commitment at present.

In terms of the site layout the application was passed to our Estate Roads Team, which fully assessed the proposed layout and their comments are set out below. Firstly the developer should be made aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

The proposal would see the construction of a new footway along the frontage of the site and would link the site with the centre of Churchinford. These off-site highway works would need to be covered under a legal agreement between the applicant and the Highway Authority. In addition the applicant should note that these works should not result in the narrowing of Taunton Road. As a result of this footway the existing electricity poles which are currently adjacent to the public highway may need to be relocated as a result of the proposed footway works.

At the point where to the proposed access joins Taunton Road the proposed estate road shall incorporate radii of 6.0m. Whilst allowances should be made to resurface the full width of the existing Taunton Road where it has been disturbed by the extended construction and to overlay each construction layer of the carriageway by a minimum of 300mm.

In regards to the proposed internal layout it may be possible for Roads 2, 3 and 5 to be constructed as block paved shared surfaces. A minimum carriageway width of 5.0m with 2 x 500mm wide service margins will be required though. If shared surfaces are constructed as indicated above, then vehicular crossovers can be constructed across their junctions with Road 1, in lieu of the standard radii junctions proposed. Whilst the private drives serving plots 20 and 22 should either be increased in length to 10.5m or reduced to 6.0m. The proposed length indicated may well result in parked vehicles overhanging the prospective publicly maintained highway. Where private access paths crossover the prospective public highway margins they should be constructed as per typical Somerset County Council bitumen macadam footway spec. Paving slabs will not be permitted.

Whilst a 2.0m hardened vehicle overhang margin will be required at the end of the turning arm adjacent to plots 5 and 9. However should either road be constructed as a block paved shared surface, then only a 1.0m wide margin will be required. The applicant should note that all proposed internal estate roads shall be constructed to a minimum width of 5.0m throughout. An adoptable 500mm wide flat margin will be required around perimeter of the planted area containing the proposed soakaway within Road 3.

The first 2.0m, as measured from the back edge of the proposed footways, of proposed boundary/screen walls immediately adjacent to private drives, should not exceed a height greater than 900mm above adjoining carriageway level, so as not to restrict intervisibility between motorists and pedestrians. No doors, gates or low level windows, utility boxes, down pipes or porches are to obstruct footways or shared surfaces. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps.

The proposed footway between plot 17 and Taunton Road should be constructed with a minimum width of 1.5m, whilst maintaining a 2.0m wide lay-by. From the drawings provided a current footway width of 1.2m is proposed. In addition the proposed footway which fronts the site should be extended in width so that the length of the visibility splay fronting plots 19-21 is totally of hardened material.

It is noted that the longitudinal sections for Road 1 and 5 indicate cambered cross falls. Would it be possible for the applicant to introduce side hung carriageways? This would help to reduce the number of carriageway gullies required. It is this Authority's wish that all adoptable margins are surfaced in bound material. Somerset County Council does not have the necessary facilities to maintain grassed/planted areas.

The proposed 2.0m wide pedestrian link between plots 17 and 19 that provides direct access onto Taunton Road, is intended to be used by cyclists. Therefore, it will be necessary for an appropriate visibility splay, measured 2.0m back from where the link joins the back of the footway fronting the site. There shall be no obstruction to visibility within the splay, the full extent of which will be adopted to Somerset County Council. The requirement for the splay will result in the boundary wall to plot 19 having to be slightly set back. The height of the boundary walls on either side of the cycle link should not exceed 900mm at the tie in with the internal footway. Finally the proposed layby indicated within Taunton Road, should ideally be located outside of the 2.4m x 70m visibility splay.

Turning to the site drainage the applicant should note that surface water from all private areas, including parking areas, must be intercepted by private drainage systems to prevent any discharge onto the prospective publicly maintained highway. Under Section 50 of NRSWA 1991 (Sewer Connections) where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable by contacting Mr John Nicholson, Streetworks Co-ordinator (01823 483103).

In regards to the Drainage Strategy Report the applicant has indicated that a attenuation system is proposed within a grassed island within Road 3. There are concerns over the proximity of this drainage scheme to the proposed highway.

Somerset County Council as the Highway Authority has adopted soakaways on schemes on the proviso that they are designed and constructed to accord with our standard requirements. The critical issues to address in terms of design are that the drainage system outfalling into the soakaway must serve to collect run-off from the prospective public highway. The soakaway must be positioned such that it does not present any potential long term effect to the structure of any adopted/adoptable road. The soakaway should be sized to provide the desired level of flood protection to the properties and roads and finally a geotechnical appraisal is undertaken for this enhanced infiltration. It would also required further understanding of the overland flood routes in exceedance and whether facilities can be provided for overflows from the soakaways.

It is noted from the addendum to the Drainage Strategy that infiltration rates have been established from further percolation tests and the values obtained indicate that underlying soils may be conducive to infiltration. I understand that our Supervision Team have been in dialogue with the applicants drainage engineers and supplied them with our standard drainage requirements for surface water soakaways as a consequence I am awaiting further details taking into account their discussions.

Having evaluated the submitted information and plans and taking into account the information set out above and subject to further drainage details being submitted I raise no objection this proposal and if planning permission were to be granted I would require conditions to be attached.

BLACKDOWN HILLS AONB SERVICE –

There are limited instances of this scale of residential development in the AONB and so when such development does occur it is important that matters of detail are given careful consideration so that local character is maintained and the natural beauty of the area is conserved and enhanced. The reference to the AONB's draft design guide in the 'Design proposals' document is welcomed, however the content and references are very general and indeed there are aspects that would not accord with the desire to reinforce local character and distinctiveness;

The indication on page 4 that there will be different surface materials and textures within the street scene suggests a typical estate approach, which is not in keeping with the character of Blackdown Hills villages

On pages 8 & 9 it is indicated that at least some of the properties will be red brick with buff brick detailing. Although found in other local settlements such as Hemyock, these materials and style are not typical of Churchinford and local traditions would be better reflected by limiting building materials to chert rubblestone and render.

The Taunton Road boundary and frontage will be an important aspect as to how the development fits in to the village and wider landscape. The retention (and management) of the roadside hedge/bank is therefore welcomed. Rubblestone walls adjacent to the highway are very typical local features – this would be an appropriate boundary, provided its construction reflects the local style.

Finally, the AONB Partnership is also mindful of the social and economic wellbeing of the communities of the Blackdown Hills, supporting initiatives that support

sustainability and the maintenance of thriving villages. In this respect, the inclusion of provision for a village shop within the scheme is welcomed, and it is hoped that this will provide a solution that meets the needs of the local community.

The AONB Management Plan includes the following objectives and policies –

EQC 2 - Emissions of carbon dioxide and other greenhouse gases are decreased to help carbon reduction in the AONB.

EQC 2/A - Support and encourage appropriate, small-scale renewable energy schemes to minimise net emissions of carbon dioxide and other greenhouse gases to help achieve carbon reduction without conflicting with the special qualities of the AONB or the conservation of natural beauty.

PD 2 - Traditional, local materials, and energy- and water efficient technologies are used widely in all development.

PD 2/A Encourage new developments or conversions to use traditional and local materials, to be as carbon-neutral and water-efficient as reasonably practicable, and to incorporate appropriate renewable energy sources.

The Blackdown Hills Renewable Energy study (2010) assesses the potential suitability of various technologies taking account of AONB designation, landscape and planning considerations and carbon savings. It concludes that technologies such as domestic photovoltaics, and ground, air and water source heat pumps would be appropriate - having little or no impact on the AONB landscape and natural beauty. The report also highlights the potential benefits and opportunities afforded by biomass fuel used in small-scale and household biomass heating/ combined heat and power plants and small-scale or micro community heating schemes. Opportunities for community heating systems within the AONB are limited, but the scale of development proposed here would be suitable for consideration.

The AONB Partnership would therefore very much support and encourage the local planning authority and developer to incorporate appropriate renewable/sustainable energy technology into the scheme and look to explore innovative approaches such as community heating.

ENVIRONMENT AGENCY - We Object to the application on the following grounds:

Surface Water Drainage - Due to the size of the site a Flood Risk Assessment is required to ensure risk is not increased as a result of the development as required by PPS25. A Drainage Strategy Report has been submitted, however this is insufficient to demonstrate that flood risk will not be increased elsewhere and that a viable drainage scheme can be achieved on site.

The proposed strategy refers to the preferred hierarchy for surface water disposal in the Building Regulations. There does not appear to be sufficient justification as to why infiltration cannot be used to attenuate flows on site. This is clearly the preferred option and should be pursued where possible. The strategy relies on connection to an existing sewer when disposing of surface water flows. Written confirmation from the owner that flows from the development and can be accommodated must be provided with suitable connection point. We must also be

confident that the system will not surcharge. The strategy provides estimates for surface attenuation storage on site, however it is unclear how these are derived. Without this explanation we cannot be confident that the proposed storage will be sufficient to retain flows up to and including for 1 in 100 year storm event with allowance for climate change. Micro-drainage calculation must be provided or a 'worst-case' scenario adopted. It is not clear whether the detention basin will be an above ground feature, although we assume that it is given reference to biodiversity opportunities. We would encourage further use of SUDS including infiltration for storage and lined ponds, swales or filter strips for conveyance.

The 1 in 100 storm event plus climate change must be contained on the site to ensure flood risk is not increased elsewhere. No information has been provided on when/if the system will be exceeded and the situation should this occur. This must be demonstrated with indicative surface water run-off calculations and exceedance flow paths or storage areas. We would not expect any more than 300mm of exceedance flood waters along any access roads or at the location of any buildings. There must be no interruption to surface water or land drainage system of the surrounding land as a result of operations on site. Provision must be made to ensure all existing drainage systems operate effectively. Until the above points are resolved we do not consider it prudent to agree the surface water scheme proposed because it is not demonstrated to be viable. There is significant likelihood of development exacerbating flood risk elsewhere should a suitable disposal point not be agreed and insufficient storage provided on site.

Foul Drainage - The proposals in the strategy appear to conflict with South West Water's position in that SWW have confirmed that there is insufficient capacity for foul flows from the development to be discharged to the existing sewer. SWW also make it clear improvement works are required, although it is unclear what they will be, how much they will cost and therefore whether mains connection can be achieved.

Discharge to mains sewer would be the preferred option in line with Circular 03/99 and is less likely to impact on the environment. Moreover if a mains sewer connection is not achievable then another foul drainage system will need to be provided and it is unclear whether this can be achieved under the current layout/design. The site overlies a principle aquifer which must be protected. It would not be appropriate to allow any foul flows to percolate ground waters.

The LPA should be satisfied that a mains connection is achievable and will not impact the viability of the scheme. Consideration should be given to the timing of any improvement works which should be completed prior to any works commencing on site and thus, within the expiry dates of any permission granted.

DRAINAGE ENGINEER - I refer to the above application and object on the following grounds as many of the comments in the Drainage Strategy Report are of a general nature with numerous issues still to be determined, undertaking of percolation tests, CCTV survey of receiving surface water sewer/drain etc. A full drainage strategy plan should be submitted for approval before any permission is given.

1) A full strategy shall be submitted and agreed with the Authority before construction works commence on site. The report shall include details of all existing and proposed impermeable areas, a final design of the proposed surface water

system including full calculations for outfall and on site flow limitation. It shall also identify all future land use limitations and identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

2) There is no indication given if any flow rates for exceedance flow should the design capacity of the proposed system be exceeded for any reason.

3) Confirmation is required that the owners of the receiving piped surface water sewer are happy to accept the additional flows produced by the development.

4) Comment is made that SUDS systems are to be used and these will be in the form of rainwater storage, permeable paving and oversized pipes. I do not believe that all these are true SUDS techniques, especially oversized pipes. It needs to be shown that all recommended SUDS techniques have been explored before piped storage is considered. The results of the proposed percolation tests should give a better indication for chosen solutions.

5) I note the calculation for hardstanding areas is slightly incorrect and the area should be 0.296ha. No allowance has been made for betterment. A requirement of PPS25 is that it should be demonstrated that it should reduce flood risk overall and not just on the site in question. An allowance of 20% reduction in existing impermeable areas should be considered in all the calculations to be provided.

Further Comment 31/1/11

In light of details supplied it appears that SCC has had a change in protocol since I last dealt with highway surface water discharging to soakaways. The following condition should be attached to any approval once you have SCC's confirmation and maintenance arrangements for their adopted soakaway. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

HERITAGE AND LANDSCAPE OFFICER - Subject to protection of trees and hedgerows during construction with no services through root areas, the landscape proposals should meet the requirements of EN10 & EN12.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. The Local Plan requires 20sqm of play space per family dwelling, a site of this size should therefore provide 440sqm of play space. The Council's Parks Department should be asked to comment on the layout of the play space. If the road is continued at a later date into the proposed recreation field then the play area should be relocated at no cost to the Council. I note the application includes the request for change of use of the adjoining field from agriculture to recreational community use. If the change is permitted then this would be acceptable as the outdoor recreation contribution. If the change is not approved then a contribution of £1100 for each dwelling should be made towards the provision of facilities for active outdoor recreation. A public art contribution is also required in accordance with Taunton Deane Public Art Code either through commissioning and integrating public art into the design of buildings or public realm or by commuted sum to the value of 1% of the development costs.

HOUSING ENABLING MANAGER - The Housing Enabling Lead supports this application based on need and does not reflect the suitability of the site in relation to planning. The location of the unit types for affordable housing is acceptable. The tenure split should reflect the housing need and incorporate social rent, intermediate housing and discounted market value (70%) homes. If any form of grant funding is included in the scheme, Code for Sustainable Home Level 3 is required. If the scheme is self funding Code 3 is desirable but not essential.

WESSEX WATER - The above site is not located in a Wessex Water sewered area. The developer has proposed to dispose of surface water to 'sustainable drainage system'. It is advised that your Council should be satisfied that any arrangement for the disposal for foul and surface water flows. Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary to agree a point of connection that can be agreed at detailed stage.

SW WATER - The sewage treatment works serving Churchinford has insufficient capacity to accommodate the proposals. Should you be mindful to approve the application we will require a suitably worded Section 106 agreement to be drawn up requiring full payment of the improvement costs to be paid to South West Water

COUNTY ARCHAEOLOGIST - There are limited or no archaeological implications to this proposal and we therefore have no objections.

NATURE CONSERVATION & RESERVES OFFICERS - The site consists of a species poor improved grassland pasture field with mature hedgerows and hedge banks. To the south of the survey area is a small area of land used for material storage. The application involves the removal of approximately 80m of hedgerow

Michael Woods Associates carried out an ecological survey in October 2010. Findings of the survey are as follows

Badgers - A single entrance to an outlier badger sett was found on the NW boundary of the site, within the old stonewall of boundary 2. Recent spoil and a number of badger hairs indicated that the sett had been recently used. It is likely that the main sett exists within hedgerows to the north or west of the site.

I support the surveyor's recommendation that further monitoring of the sett is undertaken prior to any construction on site. If the sett remains active the applicant will need to apply to Natural England for a licence to temporarily block the sett. This can only take place between 1st July and 30th November outside of the closed season

Bats - No signs of bats were confirmed at the time of survey but it is likely that bats forage in the trees and hedgerows on site. I agree that exterior lighting should be carefully designed to avoid impacting on bats.

I support the enhancement proposals made with regards to bats.

Dormice - The hedgerows on site consist of suitable species for dormice but they had limited connectivity to the wider landscape network due to wide gateways and gaps. In addition they were heavily managed and so the surveyor considered that they were unlikely to support dormice.

I support the surveyor's recommendation that management of the hedgerows be improved.

Reptiles - The storage area was considered to offer some potential for reptiles but when the piles of debris and materials were hand searched no reptiles were found.

Birds - The hedgerows and trees on site offered nesting and foraging opportunities for birds.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development and I suggest a condition and note.

ENVIRONMENTAL HEALTH OFFICER - Recommend a contaminated land condition due to the commercial use of the site.

STRATEGY AND COMMUNICATIONS UNIT - Generally, the application would not be supported ahead of the sites allocation in an adopted Development Plan Document since the proposal runs counter to Adopted Local Plan Policy S7.

The village of Churchinford is recognised as a rural centre in the TDBC Local Plan. Rural Centres are a focus for services and facilities for their immediate rural hinterland. The village has some community facilities; a community hall which the part time post office is run from, pre-school, public house, doctors' surgery, limited daily bus service and there is an established cycle route to the local primary school a mile and a half away. The shop recently closed in 2010.

The application site has been identified as a Deliverable Site in the 2010 TDBC Strategic Housing Land Availability Assessment (SHLAA) but for smaller development numbers than is proposed. As part of consultation on the emerging Core Strategy strong community support for limited development in Churchinford; including delivery of affordable housing and community facilities was expressed. This is further supported by the engagement undertaken by the Applicant and Falcon Housing.

Churchinford was recognised in the Regulation 25 Core Strategy as a suitable settlement of future growth based upon the services it could identify at that point in time. Since the shop has now closed, the provision of a shop, affordable housing and playing provision is an important consideration in the determination of the planning application.

In light of the scheme proposed, we would raise no objections to the proposal subject to the delivery of the shop and playing field.

POLICE ARCHITECTURAL LIAISON OFFICER - The Design Proposals document contains a section on 'Crime Prevention' which indicates to me that the applicant has taken into account the potential crime prevention issues which could affect the development when formulating the design. I would concur with the majority of

comments made by the applicant with one exception, that 'the Public Open Space (including the Children's Play Area) is well overlooked by buildings and the street.' From the site layout plan the POS and Play Area appear to be located on the edge of the development in an area of limited surveillance from surrounding dwellings. Whilst the play area and entrance to the POS is overlooked by two dwellings on one side, the hedge between these dwellings and the POS appears to limit resident surveillance of this area. Such communal areas have potential to generate crime, the fear of crime and anti-social behaviour and must be designed with due regard for natural surveillance. Boundaries between public and private areas need to be clearly defined and measures taken to prevent unauthorised vehicle access. In my view the play area in particular should be more centrally located in an area with good all round surveillance.

The cul-de-sac design has advantages in that it helps frustrate the search and escape pattern of the potential criminal and the use of physical or psychological features such as rumble strips, change of road surface, pillars at the entrance or similar would help define defensible space giving the impression that the area beyond is private. The boundary treatments appear appropriate for the crime risk. With regard to physical security of the buildings, the applicant is advised to formulate all designs in accordance with the police approved 'Secure by Design' award scheme.

Representations

1 letter of no objection

1 letter of no objection on basis of trees adjacent to 9 Newberrys Patch being retained.

2 letters of no observation.

1 letter of support on basis that the number of 22 is the maximum and the local infrastructure such as sewerage can cope, as this will help maintain viability of village.

1 letter of support on behalf of Village Hall Trustees on grounds that a shop facility can only benefit the local community. There is a local initiative to set up a community shop in a temporary building and hope this could transfer together with a post office facility to the new shop in future.

8 letters of objection on grounds of

- scale of development and too big for village,
- incongruous and house types wrong,
- proximity of plots 13 & 14,
- there being no need for housing,
- inadequate visibility from the proposed access in either direction,
- increase in traffic along main road to Taunton,
- proposal outside village boundary and in AONB,
- it is not sustainable in transport terms, the bus service is insufficient, it does not make use of sustainable building materials and renewable energy sources,
- the two and a half storey buildings are at the highest point of the site and would have a detrimental and intrusive impact on the AONB landscape and visual amenity.

- concern that the new shop would not be viable, would remain empty and undermine the local community attempts to set up a project,
- the properties at the upper end of the site would be higher than the road and be an imposing eyesore at the entrance to the village, bungalows would be more appropriate,
- concern over number of units and most seem aimed at younger families, housing will be a dormitory area with commuting, better to build fewer more appealing houses,
- trees planted near the Chapel will block out light, impact on future chapel development and the entrance opposite a parking bay with no visibility is not thought suitable.
- the additional traffic will pose a safety hazard to residents, particularly children.
- concern over adequacy of water and sewerage disposal.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS 1 SUPP - Planning and Climate Change,
 PPS3 - Housing,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG13 - Transport,
 PPG17 - Sport and Recreation,
 PPS25 - Development and Flood Risk,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP33 - S&ENP - Provision for Housing,
 S&ENPP35 - S&ENP - Affordable Housing,
 S&ENPP38 - S&ENP - Sport and Recreation in the Open Countryside,
 S&ENPP48 - S&ENP - Access and Parking,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,
 M4 - TDBCLP - Residential Parking Provision,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The proposal for residential development in this edge of village location has to be considered in light of the policy considerations for the site together with design, the provision of adequate access, affordable housing, ecology, drainage, provision of a play area, open space and a community shop as well as energy efficiency measures.

Policy

The proposed site lies on the northern edge of the village and incorporates part of the site approved under outline permission 10/08/0030 as well as agricultural land to the north outside of the settlement limit as defined in the existing Taunton Deane Local Plan. Consequently policy S7 of the Local Plan would apply as well as STR6 of the Joint Structure Plan Review. Any planning application should be determined in accordance with the development plan unless other material considerations indicate otherwise as specified in PPS1. In this case therefore the main issue is whether there are material considerations that are of sufficient weight to overcome the policy objection to the proposal.

The site has been identified as deliverable in terms of the 2010 TDBC Strategic Housing Land Availability Assessment (SHLAA) and as part of a consultation exercise on the emerging Core Strategy there was strong community support for limited development in the village. This was further supported by the community engagement exercise undertaken by the applicant. The site was subsequently identified as a suitable settlement for future limited growth on the basis of services available. The village has limited bus service to Taunton, however the site is well related to the centre of the village and local services including a doctors. Although the shop has since closed it is considered that support for this level of development could only be maintained on the basis of the benefits to be secured, including the community shop, playing field and affordable housing all of which would help support the vitality and viability of the rural economy in this location within the AONB. The provision of a limited rounding off development here is not considered to harm the emerging LDF and is supported by the Strategy Unit on the basis of the delivery of the benefits offered.

Design

The proposed buildings on the site are designed to address the street with a clear definition of public and private space. The dwellings are largely two storey and the materials are slate or tile for the roofs and stone render or limited brick for the walls. An element of front boundary treatments will also be of stone to maintain the local distinctiveness of the area. The materials have been amended to address the concern of the AONB Partnership, as has materials to the road frontage, which now reflects the local stone. Crime prevention has been considered as part of the design process with clear public access routes, defensible space for dwellings and good surveillance. Concern has been raised over the open space location and surveillance and a condition to secure a small section of hedge removal and improved surveillance of the play/open space area is proposed to address the concern raised. Specific conditions are proposed to control elements of the design such as materials, boundary treatments, windows and doors to ensure the character of the area is maintained.

Access

The proposal seeks to provide a new access into the site from the main road through the village. Visibility splays of 2.4m x 70m are provided to meet the Highway Authority requirements. This requires the realignment of a section of wall to the south of the site frontage and loss of 75m of hedge. A 30m section of hedge is to be replanted and a footway from the site access south to the shop is provided as part of the proposal. There are no footpaths in the centre of the village, however the provision of a footway as proposed is supported in safety terms due to the location of

the proposed new shop.

Parking for each unit is provided with 2 spaces per dwelling provided to meet the standard of the County Wide Parking Strategy and the Local Transport Plan. While this is more than the Local Plan policy M4 allows, in light of recent changes to advice in PPG13 the level of parking provision is considered acceptable. Garaging is provided for 17 of the 21 units and a condition is also proposed to secure cycle storage. Conditions in relation to other estate road details are also recommended.

Landscape

The site lies to the north of the village on partly grassed field. A Landscape and Visual Impact Assessment of the site has been carried out as the site lies within the Blackdown Hills Area of Outstanding Natural Beauty, an area that has significant landscape protection under PPS7. The site has well established boundaries and is set within a surrounding landscape of gently rolling hills with around 10% tree cover. The site has very limited views of it from publicly accessible sites and the most visible will be from the road through the village. All trees on the site will be retained and protected during construction. A group of conifers in poor condition to the south of the site as will a section of roadside hedge. However planting on site will compensate for that removal. An increase in built form is not considered in itself detrimental as it will be read as part of the village and sympathetic to its form. At a distance the development will merge with existing buildings and the impact is considered minimal and not detrimental. The dwelling on plot 4 has been moved away from the roadside boundary and lowered by 300mm to lessen its local impact on the road. The Landscape Officer considers the impact on the character of the area to be an acceptable one in keeping with Local Plan policies and the AONB Partnership do not raise an objection to the scheme. In the circumstances therefore the landscape impact of the scheme is considered to be an acceptable one.

Affordable Housing

The proposal is for a mixed housing development that exceeds the Council's site size threshold, so an element of affordable housing is required within the scheme. The applicant has offered to provide 7 units of affordable housing and this is accepted by the Housing Enabling Manager in light of the needs assessment by Falcon Rural Housing that identifies a genuine need for 7 affordable units. A Section 106 Agreement will be necessary to secure the necessary affordable housing provision and tenure split.

Ecology

The submitted ecological survey identified no protective species on the site other than badgers. Monitoring of the 'outlier' sett will be required and a condition to ensure suitable wildlife mitigation is recommended as part of any permission granted.

Drainage

There are two main elements of the drainage for the site, foul and surface water provision. South West Water control the existing foul sewerage provision within the village and they have identified a possible lack of capacity to serve the new development in its entirety. The applicant has agreed with South West Water to

contribute to improvements to the treatment works and this is intended to be secured through a legal agreement. The application is therefore recommended on this basis. I consider there is also a requirement for a Grampian condition to restrict occupation of a certain number of dwellings on site (8) until the improvements works to be carried out by South West Water have been carried out to their satisfaction to prevent potential future pollution issues.

The other issue on site is the disposal of surface water and a drainage strategy for the site has been submitted. The revised proposal is to deal with surface water by means of soakaways, water butts and permeable paving. The Drainage Officer has indicated that the revised information received addresses the issues raised and a condition re soakaways is recommended. The Environment Agency's formal response to the amended drainage strategy is still awaited at the time of writing the report and subject to the Environment Agency withdrawing their objection and recommending any conditions the development is considered to provide suitable drainage scheme.

Community Provision

As part of the application a number of community facilities are being provided. Local Plan policy C4 requires the provision of adequate play and recreational open space to serve the site. In this instance a play area to the north of the site is proposed and will be the subject of a condition. A need for a recreational open space close to the village has also been identified as the only existing facility is some distance out of the village. The applicant is therefore proposing that the field to the west of the site be transferred into public ownership for use by the local community in perpetuity. This would have to be achieved by a Section 106 Agreement and is recommended as part of the proposal. The provision for public art is not a policy requirement under the current Local Plan policy for this area and while it has been requested it is not a sum that can be insisted upon.

In addition to the above the local shop/post office closed recently and the Trustees of the Village Hall Charity are currently using the Hall to run a temporary post office facility. There is also a local initiative to set up a community shop in a temporary building. In order to address longer term needs for the village the applicant is proposing a shop unit as part of the development and to rent this on the basis of 75% of market rental value and not to seek any change once constructed for a minimum of two years. This element of the scheme is supported locally and is an important element in the weight of benefits to the local economy in support of the scheme. Again this element of the proposal would need to be secured through a legal agreement and will therefore need to be part of the Section 106 for the site.

Sustainability

The site lies on the edge of Churchinford, a village in the AONB which has a local public house, doctor's surgery, village hall, temporary post office following the local shop closure and access to a primary school beyond the village via a designated cycle route. Clearly there is limited local employment, however there is a limited bus service to Taunton. The Highway Authority question the sustainability of the site as do a number of local objectors.

In addition to the need to conserve the natural beauty of the area the AONB Partnership also recognise that the need to preserve the social and economic

wellbeing of the communities of the Blackdown Hills, supporting initiatives that support sustainability and the maintenance of thriving villages. With this in mind the scheme does provide community benefits through the new shop and recreational open space. In addition, and to reflect AONB Partnership policies, a renewable energy statement has been submitted that considers sources available to the site and the need to minimise energy demand. It is intended to provide at least one renewable energy source per dwelling (such as solar hot water or air source heat pumps) and a condition requiring a schedule of such provision is proposed.

Summary

The proposal is for residential development of a greenfield site part of which is currently outside the identified settlement limits of Churchinford. Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and PPS1 all proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Strategy Unit has assessed the proposal in terms of site suitability, housing need, local needs provision and the need to allocate sites in the emerging LDF. The conclusion is that the principle is acceptable subject to the details of the submission and there are sufficient considerations to outweigh the development plan.

Subject to the necessary conditions and appropriate legal agreement being entered into to ensure the affordable housing, recreational open space for the community, play area maintenance, shop provision and improvements to the sewage treatment plant are secured, the proposal is considered sufficient to set aside the development plan and the scheme is recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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