

STRONGVOX HOMES

**Residential development with the erection of 20 No. dwellings (including 5 affordable dwellings) with provisions of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry**

Location: LAND TO THE SOUTH OF KNAPP LANE, NORTH CURRY

Grid Reference: 331689.125292

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

Subject to a Section 106 Agreement to secure affordable housing at 25%, a travel plan, improvements to the local footpath network upgrading the adjacent public footpath to adoptable standard over its length from the site into North Curry and maintenance of the open space and surface water drainage pond.

### **Recommended Condition(s) (if applicable)**

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

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

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

- (A2) DrNo 15.20.32 Street Elevations
- (A2) DrNo 15.20.31 Garage Elevations
- (A2) DrNo 15.20.30 Garage elevations - Sheet 2 Elevations
- (A2) DrNo 15.20.29 Garage Elevations - Sheet 1 Elevations
- (A2) DrNo 15.20.28 Garage Plans
- (A2) DrNo 15.20.27 Plots 12.13.14, 15 & 16 - Types G, J & H
- (A2) DrNo 15.20.26 Plot 7 - Type F Elevations
- (A2) DrNo 15.20.25 Plot 6 - Type F Elevations
- (A2) DrNo 15.20.24 Plot 5 - Type F Elevations
- (A2) DrNo 15.20.23 Plot 8 - Type E Elevations
- (A2) DrNo 15.20.22A Plot 20 - Type D Elevations
- (A2) DrNo 15.20.21 Plot 19 - Type D Elevations
- (A2) DrNo 15.20.20 Plot 11 - Type D Elevations
- (A2) DrNo 15.20.19 Plot 3 - Type D Elevations
- (A2) DrNo 15.20.18 Plot 10 - Type C Elevations
- (A2) DrNo 15.20.17 Plot 4 - Type C Elevations
- (A2) DrNo 15.20.16 Plot 1 - Type C Elevations

(A2) DrNo 15.20.15 Plot 17 - Type B Elevations  
(A2) DrNo 15.20.14 Plot 2 - Type B Elevations  
(A2) DrNo 15.20.13 Plot 18 - Type A Elevations  
(A2) DrNo 15.20.12 Plot 9 - Type A Elevations  
(A2) DrNo 15.20.11A Floor Plans - Type J  
(A2) DrNo 15.20.10A Floor Plans - Type H  
(A2) DrNo 15.20.09A Floor Plans - Type G  
(A4) DrNo 15.20.08A Floor Plans - Type F  
(A2) DrNo 15.20.07A Floor Plans - Type E  
(A2) DrNo 15.20.06A Floor Plans - Type D  
(A2) DrNo 15.20.05A Floor Plans - Type C  
(A2) DrNo 15.20.04A Floor Plans - Type B  
(A2) DrNo 15.20.03A Floor Plans - Type A  
(A2) DrNo 15.20.02F Site Layout - Roof Plans  
(A2) DrNo 15.20.01L Site Layout - House Types  
(A3) DrNo 15.20.00 Site Location Plan  
(A1) DrNo 201102\_SK01 Proposed Off Site Surface Water Drainage Route

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

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

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

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

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

5. 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 wall construction commences and thereafter installed and maintained in accordance with the approved details.

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

6. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. There shall be no occupation of any dwelling hereby approved until such time as the improvements to provide a hard surfaced footpath link from the site to the village have been carried out and completed and made available for use to the public. The footpath link and public access thereto shall thereafter be maintained as such.

Reason: To ensure a suitable alternative walking route to the village centre.

8. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout. 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.

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 Ethos Environmental Planning's Ecological Assessment Report, dated February 2016 and include:
  1. Details of protective measures to avoid impacts on protected species during all stages of development;
  2. A further survey for badgers prior to any development commencing;
  3. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.

#### 4. 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 bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to plan the protection of wildlife and their habitats from damage during construction works and to enhance the site for wildlife.

10. There shall be no obstruction to visibility greater than 300mm 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 nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted commenced and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety.

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

Reason: In the interests of sustainable development.

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

Reason: In the interests of highway safety.

13. No dwelling shall not be occupied until a means of prevention of surface water from draining from its curtilage onto the carriageway has been constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the surface water drainage details shall thereafter be maintained as such.

Reason: In the interests of highway safety.

14. A plan indicating the positions, design, materials and type of boundary

treatment to be erected, including the parking court shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The agreed boundary treatment shall be completed before the building to which it relates is occupied and shall thereafter maintained as such.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

15. Prior to the commencement of the development hereby permitted, full details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details and timing of works and shall thereafter be maintained as such.

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

#### Notes to Applicant

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

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

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

In the UK badgers are protected under the Protection of Badgers Act 1992.

Planning and licensing applications are separate legal functions

All excavations left open at night should either be cover plated or have a means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials.

Security lights should be directed away from areas of the site where badger runs are evident.

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

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

## **Proposal**

The proposal is to erect 20 dwellings on the site and provide access, garaging, parking, open space, flood attenuation, a play area and allotments. Affordable housing to meet the policy requirement is also proposed. A Design & Access statement, Landscape and Visual Appraisal, Flood Risk Assessment, Transport Statement, Ecological Assessment, Tree Constraints Report and Historic Environment Assessment have all been submitted together with a Statement of Community Involvement.

## **Site Description**

The site consists of an arable field of 1.95ha bounded by hedges.

## **Relevant Planning History**

None, although the site is a housing allocation in the Site Allocations and Development Management Plan.

## **Consultation Responses**

*NORTH CURRY PARISH COUNCIL* - The Parish Council challenge the need for additional major development in North Curry at this time:

- North Curry has already met the original target of 40 houses set within the emerging SADMP\*. The plan covers until 2028 but all 40 houses are expected to be completed by 2018, based on development already approved and under construction.

- Once existing developments have been completed, the village will have expanded by 10% over a period of less than five years.
- The village cannot sustain further development. The Health Centre, village primary school and Village Hall were all built in the 1980s; in excess of 160 houses have been constructed in the last four decades, with no associated expansion of these community facilities.

The Parish Council does not believe the site is deliverable for the following reasons:

- Localised flooding is a major concern in and around the village centre. During heavy rain some flooding occurs adjacent to the site especially by the footpath proposed to be used. The proposals show an attenuation pond which should assist the situation but this pond will require a connection to the existing surface water system (not shown on application) which is very old and obviously inadequate as it is unable to drain the village centre during heavy rain. Concerns were raised by Wessex Water as to the suitability of the surface and foul water drain.
- Knapp Lane is not suitable for additional traffic and pedestrian movements. Between the site and village centre the road is very narrow and, in at least two points, under the recommended width. The junction with The Shambles is sub-standard with insufficient space for vehicles to enter and exit simultaneously. These failings were accepted when the Knapp Lane Acre planning application (24/14/0011) was refused, highway issues being specifically mentioned. The developers reported width of Knapp Lane is also challenged.
- The site is not sustainable. Due to lack of pavement along Knapp Lane and the unsuitability of the footpath to Windmill Hill, it is likely that local traffic will increase to access local facilities. There is limited opportunity for employment in the village, residents will therefore also be commuting, increasing traffic on narrow lanes (the bus service is very limited and threatened on an annual basis).
- Whilst it is proposed to upgrade a public footpath that exits onto Windmill Hill, the Parish Council has concerns that, while this could be a useful route, human nature will come into play and residents of the proposed development wanting to visit the shop/public house on foot, would take the shortest route by walking along Knapp Lane, bringing them into conflict with traffic, including large agricultural equipment, as no pavement exists and there is insufficient room for one to be installed.
- Due to the level of the site, which is approx. 1m plus above the adjoining carriageway and adjoining gardens, the Parish Council considers that the houses will be too prominent in the landscape (North Curry ridge is a special landscape feature) and will overshadow adjoining properties.
- In contradiction to the developer's report, it is reported that there is an active badger sett on the site.

North Curry Parish Council has concerns about the revised site layout (which is different to the one shown at the public consultation).

- The Parish Council object to the positioning of the social housing adjacent to existing dwellings.
- The Parish Council consider the village needs more, smaller houses.
- The Parish Council disagrees with the developer's assertion that the houses are in keeping with the village.

- It should also be noted that some of the site falls outside the proposed development line shown in the draft SADMP.

As shown in the representations on the planning website, a large number of Parishioners object strongly to this development. This was also reflected during the developer's Parish consultation, an exit poll undertaken by the Parish Council showed that of the 109 attendees who responded, 91 were against the development and 10 were undecided.

In conclusion, the Parish Council urge Taunton Deane to take on board the many well considered responses submitted regarding this application and turn it down.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to the development of 20 dwellings and public open space.

The applicant has provided a Transport Statement (TS) as part of the planning application which has been assessed by the Highway Authority and our observations are set out below.

The applicant has provided information relating to the existing level of use of Knapp Lane in both directions. From the information provided it indicates that Knapp Lane the average level of movements per day are 213 with 21 movements in the AM peak and 18 in the PM peak with the average speed of vehicles along the lane being 23.4mph. The TS also provides information on the bus services operating in this location. From the details provided there appears to be one service that has a frequency of 120mins Monday to Saturday with no services in the evenings and on a Sunday. As a consequence based on this information it is unlikely that there will be shift away from the use of the private car.

The applicant has utilised the TRICS data sets to generate the potential trip generation of this proposal. These trip rates were discussed with the Highway Authority at the pre application stage. The information provided states that the proposal would result in an additional 12 movements in the weekday AM peak and 10 movements in the PM weekday peak. In terms of the weekday daily movements this is projected to be a total of 100 vehicle movements. This would equate to 4 extra movements per hour. As a consequence this application is unlikely to see a significant increase in vehicle movements over and above the existing use of the lane. As a consequence in traffic impact terms of this proposal cannot be considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF).

It is likely that a high percentage of traffic will utilise the junction of Knapp Lane with The Shambles. The junction is narrow but does provide sufficient space to allow two standard sized cars to pass although visibility is considered to be limited in both directions although it is noted that a one-way system is in place as such traffic will only be coming from the left. From visiting the site there is a section of pavement/hard standing outside the existing dwelling on the left of the junction. However from reviewing the road record it is apparent that this area private and not adopted highway. Consequently this area could be parked upon and therefore obstruct the visibility further. As a consequence the Highway Authority would have concerns over any proposal that would result in a significant increase in vehicle



movements on this junction. However as set out above this proposal would only result in an extra 4 movements per hour, therefore although the proposal would result in an increase in traffic through the junction it is unlikely that it would be severe enough in capacity and safety terms to warrant an objection on highways grounds.

Having reviewed the submission the applicant has not provided a Travel Plan document. Please note that Somerset County Council's Travel Plan guidance states that a Measures Only Travel Statement would need to be provided for a proposal of this size and scale this will need to be submitted for comment and secured via a S106 agreement.

Turning to the internal layout the applicant has proposed a 5.0m wide access, which is sufficient to allow two-way vehicle flow with splays of 2.4m x 43m in either direction. These splays are based on Manual for Street design guidance and in keeping with the 85%tile speeds that were recorded by the ATC data provided in the TS as such they are considered to be acceptable.

The applicant should note that a 2.0m wide footway should be provided on one side of the carriageway throughout the site whilst the Highway Authority would also require a 1.0m margin throughout the site. Please note that the Advance Payment Code (APC) would apply as some of the site will result in the laying out of a private street as the allotment parking area will need to remain private. In terms of the footpath link shown to the south would the applicant be able to confirm whether this is going to be offered up for adoption. If it were to be utilised by both pedestrians and cyclists it would need to provide a minimum width of 3.0m. In regards to the attenuation pond who is going to be responsible for this? Please note that should be a minimum distance of 5.0m between this and the adopted highway. Finally the applicant has proposed a pedestrian link to join Knapp Lane. Would the applicant be able to confirm whether it is proposed to offer this for adoption by the Highway Authority? If it were to be put forward for adoption the stair providing the link to Knapp Lane would need to be subject to a review by Somerset County Council's Structure Team. Where this footpath joins the adopted highway suitable pedestrian visibility should be provided in either direction. It is noted that details of these splays have been provided as part of the appendices in the TS and are in keeping with the 85%tile speeds which were recorded on Knapp Lane. Consequently these splays are considered to be acceptable.

In regards to the site drainage the applicant reviewed a variety of SuDS methods with the preferred option utilising surface attenuation with runoff generated by the proposed development being routed into a detention basin or similar feature. This will then run surface water into the existing drainage system located within Moor Lane. Although no details have been provided on whether there is suitable capacity in the existing system to accommodate the proposed development. Consequently the applicant will need to prove there is sufficient capacity in the system.

In conclusion the proposal will result in an increase in vehicle movements over and above the existing use of Knapp Lane. However the proposed development will only result in an extra 4 movements per hour which is not considered to be severe enough to object on traffic impact grounds. The Highway Authority accepts that the junction of Knapp Lane with The Shambles is substandard in terms of visibility however it is noted that the junction is within the one-way system of the village.

However as the proposal will not lead to a significant increase in traffic at this junction it would be un-reasonable for the Highway Authority to raise an objection on the use of this junction. No Measures Only Travel Plan Statement has been provided as part of this proposal the applicant will need to provide one and it would need to be secured via a S106 agreement. In regards to the internal site arrangement this is broadly considered to be acceptable although there are some elements that would need to be addressed as part of any S38 submission. Finally in terms of the drainage the proposed SuDS are considered to be acceptable although the applicant will need to prove that there is sufficient capacity within the existing system to accommodate this proposal.

Therefore taking into account the above information on balance the Highway Authority raises no objection to this proposal and if permission were to be grant we would require the following elements to be secured.

- Travel Plan via a S106 agreement.
- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicle per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. 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.
- The proposed roads, including footpaths and turning spaces where

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

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be no obstruction to visibility greater than 300mm 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 nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted commenced and shall thereafter be maintained at all times.

**NOTE:**

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

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

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

The Flood Risk Assessment proposes attenuation of surface water flows on site and discharge to the existing surface water sewer in Moor Lane.

Since the Flood Risk Assessment was written we have advised the consultant that the surface water sewer in Moor Lane has limited available capacity to serve the proposals and the applicant will need to consider a new outfall sewer to the land drainage system with approval from the appropriate Authorities.

Furthermore, your Authority and the LLFA will need to be satisfied that the applicant has provided enough evidence to conclude that infiltration techniques will not be suitable at this location in accordance with the SuDs hierarchy.

Finally, it is noted that this submission is for a full planning application, as such we believe a drainage layout plan should be submitted with the planning application which shows the proposed point of connections for foul drainage and surface water outfall as discussed above (subject to confirmation that infiltration will not be suitable).

#### COMMENT ON REVISED PLAN 10/6/16

Thank you for advising receipt of amended plans in respect of the above planning application. I note the Proposed Offsite Surface Water Drainage Route and the FRA Addendum.

The applicant, in accordance with SuDs hierarchy, is proposing an attenuated surface water flow to the existing watercourse to the west of the site. The strategy seeks to mimic existing greenfield run off and is preferable to connection via existing limited piped systems through Moor Lane. The proposed surface water sewer route from site to discharge point will be constructed subject to agreement with the landowners or the applicant can requisition the sewer from Wessex Water. The route will be subject to Section 98 (Water Industry Act 1991) requisition arrangements including environmental surveys; the route may alter from that shown. The applicant will also require approval from the riparian owner (watercourse) and LLFA.

The on site drainage apparatus will be subject to Section 104 adoption arrangements. Ponds are not adoptable features; ownership and maintenance are usually the responsibility of a management company.

*LEAD LOCAL FLOOD AUTHORITY* - The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

Within the submitted Flood Risk Assessment (FRA) the applicant has indicated an intention to utilise a detention pond to the North East corner of the site with a controlled outfall (held back to greenfield runoff rates) to the existing surface water drainage system located within Moor Lane, comments from Wessex Water appear to approve this proposal but include caveats to ensure the developer investigates

and confirms suitability of the existing system to take the additional flows.

The LLFA would support the proposed surface water drainage proposal in principle but would require more detailed design information. Prior to commencement of any works on site.

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

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

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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

COMMENT ON REVISED PLAN 13/6/16

I have no further comments at this time.

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - The site is located just outside the boundary of the Parrett Internal Drainage Board area however any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board have viewed the application details produced to support the submission and the concept appears to be use of balancing with a discharge to an existing surface water system. The Board would encourage a sustainable surface water approach and any infrastructure constructed must be adequately maintained for the future so there is no increase of flood risk to the development or existing properties.

The Board would suggest that if the committee of the Local Planning Authority are of a mind to approve the application the condition and informative set out below must be included within the certificate.

**Condition:** No development should proceed until foul and surface water drainage including any watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board

**Reason:** The application has insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site will have an adverse impact on flood risk elsewhere. This is contrary to the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework which requires that the development should not increase flood risk elsewhere.

The Board had brief discussions with the developer's agent regarding surface water disposal but it is important that surface water run-off and flood risk is considered and improvements made.

*ENVIRONMENT AGENCY* - We have assessed the application and can confirm that we have no comments to make as this consultation does not fall within a category to which we required consultation on.

*BIODIVERSITY* - The Somerset Levels and Moors Ramsar site lies 1 km to the north of the site.

The site consists of arable land. It is bounded on all sides by hedgerows. The development proposals include the retention of all hedgerows on site with the exception of the removal of a small section of the northern hedge for the access road

Ethos Environmental Planning carried out an Ecological Assessment of the site in

February 2016.  
Findings were as follows

### **Bats**

Trees in the hedgerow had no potential for bats.

During the activity survey there was very low levels of bat activity recorded, restricted to a total of two common pipistrelle bats passing the site along the SW boundary and a single noctule flying above the site. The static survey recorded seven species of bat, considered to be commuting bats.

I support recommendations with regard to sensitive lighting for bats and the incorporation of bat bricks in the new build houses.

### **Reptiles**

The site had low potential for reptiles.

### **Badgers**

No evidence of badgers using the site were noted.

### **Birds**

Birds are likely to use the crop on site as well as the hedgerows for foraging. Removal of vegetation should only take place outside of the bird nesting season.

I support the recommendation to erect four bird boxes on site.

### **Dormice**

The site has low potential for dormice in the hedgerows. I support the suggested precautionary recommendations

### **Condition for protected species:**

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 Ethos Environmental Planning's Ecological Assessment Report, dated February 2016 and include:

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

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 bird and bat boxes and related accesses have been fully

implemented

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to plan the protection of wildlife and their habitats from damage during construction works and to enhance the site for wildlife.

### **Informative Note**

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

### **FURTHER COMMENTS**

Further to my initial biodiversity comments.

I have now visited the site . I confirm that badgers are using the site so should be protected throughout any development.

Please add the following note if permission is granted

In the UK badgers are protected under the Protection of Badgers Act 1992.

Planning and licensing applications are separate legal functions

All excavations left open at night should either be cover plated or have a means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials.

Security lights should be directed away from areas of the site where badger runs are evident.

*LANDSCAPE* - A Landscape and Visual Appraisal produced by Tyler Grange has been submitted in support of the application. The LVA provides an introduction to the development, gives a baseline description of the site looking at the landscape character and views and then goes on to describe effects that are likely to occur as a result of the development. Unlike a full LVIA an LVA does not assess the likely significance of effects.

### **Designations**

The site is located to the south west of the North Curry Ridge Special Landscape Feature (SLF). However I agree it does not impact on views from the north to the SLF. The site is also in close proximity to the North Curry Conservation Area but has little bearing on the setting of the CA.



## Landscape Character

The site is located within NCA 143 Mid Somerset Hills and LCA Type 5a Sandstone ridge North Curry. Tyler Grange defines the area further and places the site in its own area - Ridge side agricultural land.

## Visual Context

The surveyor uses eleven viewpoints which were agreed with the Council prior to submission of the application. The photographs were taken in November 2015. I agree that, despite the ridge top location, the site is visually well contained by built form, existing vegetation and topography.

The main effect of this development will be the loss of agricultural land and the loss of a short section of hedge. However the western side of the site will be enhanced with open space and tree planting and additional hedgerow planting will be undertaken to compensate for the hedgerow loss.

To conclude, I agree with the report's findings. Given the relatively small size of the site and scale of the development along with the existing boundary vegetation and proposed landscaping, the development can be assimilated into the local area with only minimal landscape and visual effects.

*NATURAL ENGLAND* - In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- The application site is located adjacent to the village settlement. The total area is 2.03 hectares and includes agricultural crop fields and boundary hedgerows. These site characteristics are not suitable for SPA qualifying bird species.
- The Ecological Assessment report notes that "*the Somerset Levels wetlands*

*designated for internationally significant over wintering populations of wetland bird species”, is located within 1km of the application site, but also advises that the “habitats found on the proposed site are very different to those found in the SPA, and it is considered very unlikely that any wetland bird species would be found on site, therefore any development on the proposed site would be very unlikely to impact this notable site.”*

### **Nationally designated sites – No objection**

This application is in close proximity to a number of Sites of Special Scientific Interest (SSSI). However, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, including the mitigation and enhancement measures detailed in the Ecological Assessment Report. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. We understand, however, that badgers have been recorded on the application site and that there is an active sett on the site boundary.

Based on the Ecological Assessment report it appears that the phase 1 habitat survey involved a site visit undertaken on the 22nd July 2015, and it noted the following limitations:

*“The maize crop was grown right to the hedgerows without passable field margins and it was, therefore, impossible to gain access to much parts of the site for a comprehensive survey. Hedgerows were surveyed from outside of the site, and protected species assessments made within this report rely on the assumption that the agricultural crop occupies the entire site (which appears to be the case from satellite imagery)”.*

The Council should give consideration to the potential use of the site by protected species throughout the year.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development.

**SOMERSET WILDLIFE TRUST** - In principle we would support the comments made by the Authority's Biodiversity Officer in respect of planning conditions which should be applied if permission were to be granted. In addition to that we would also expect a condition to require the use of native plants and trees which support wildlife in any planting scheme. We would also request a condition which required that all boundary fences are constructed in a way that allows the free passage of small mammals, such as hedgehogs, within the site. However we do have a concern about the proposed development. The Ecological Assessment says that no

evidence of badgers were found on site. Information has been passed to me by local residents indicating the presence of badgers. In the circumstances I would request that a further survey is carried out to establish the full extent of the badger presence as it may have a significant impact on how or if the development could proceed.

*SOMERSET COUNTY ARCHAEOLOGIST* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*HERITAGE* - I can confirm that the proposed scheme would not result in a direct impact upon any built heritage assets, designated or non-designated.

Setting can be more difficult to quantify. The fact that I am unable to readily identify an obvious impact here tends to confirm the submitted Assessment. Any impact is likely to be low.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes, which based on the scheme of 20 properties would equate to 5 affordable dwellings, which is proposed. The required tenure split of 60% social rented and 40% shared ownership is sought.

I note the scheme proposes: 1 x 1 bed flat, 2 x 2 bed dwelling and 2 x 3 bed dwelling. I am reasonably happy with the proposed mix and would consider the following an appropriate split in terms of tenure:

Social Rented - Plots 12,13 and 14 (1 x 1 b flat, 1 x 2b houses and 1 x 3b house)  
Shared Ownership - Plots 15 and 16 (1 x 2b houses, 1 x 3b house)

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

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for children's play should be made for the residents of these dwellings. The provision of the proposed centrally located LEAP is therefore welcome. The LEAP should be a minimum of 400sqm, suitable for use by children aged up to 8 years and should contain at least 5 pieces of play equipment, seating, signage and a bin. Open Spaces should be asked to comment on the design and content of the play area.

*DIVERSIONS ORDER OFFICER - Mr Edwards* - The field-edge path T17/50 Parish

of North Curry runs north–south within the western boundary of the proposed development site.

If the line of the path is to remain unaltered then it is recommended that the width of the path be fixed at 2 metres throughout its length.

*POLICY OFFICER* - The application site lies currently outside the existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2). Despite being currently in the open countryside, the northern part of the applicant site is proposed to be included within the settlement limit of North Curry pending the allocation of the land at Knapp Lane within the draft Site Allocations and development Management Policies Plan (SADMP).

North Curry is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. North Curry is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development within these settlements will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, proportionate to the role and function of North Curry, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered. It is anticipated that through the SADMP each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13<sup>th</sup> 2015. An initial hearing sessions were held on 1<sup>st</sup> and 2<sup>nd</sup> of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrowe. Further hearing sessions concerning the soundness of the rest of the SADMP were held between 30<sup>th</sup> of March 2016 and 5<sup>th</sup> of April 2016. A hearing session to discuss the proposed allocations in the minor rural centres was held on 31<sup>st</sup> of March 2016.

The Planning Inspector in his post hearing letter to the Council dated 13<sup>th</sup> of May 2016 stated that he had reached a preliminary view that the Main Modifications discussed at the preliminary and main hearings into the Plan are all that are necessary to make the Plan sound. The Inspector's proposed main modifications to

the Plan did not include the Knapp Lane site. Consultation on the proposed Modifications to the Plan document were submitted for 6 weeks public consultation on 3<sup>rd</sup> of June 2016. The Inspector in his letter to the Council indicated that once the consultation process is complete, he will consider any further representations before reaching his final conclusions and completing his final report to the Council. With this in mind, significant weight can be put on the Draft Plan Document.

The SADMP is proposing to allocate two sites in North Curry; land at Knapp Lane for around 20 dwellings and land at Overlands for around 30 dwellings. The site at Overlands already benefits from outline planning consent for 30 dwellings granted at appeal in March 2014. The Knapp Lane site will deliver 25% of affordable housing and associated planning obligations. The policy makes a requirement for the development to provide a hard surfaced pedestrian link to, and similar improvements to the existing right-of-way to the west of the allocation.

Although the SADMP has not yet been adopted, the draft Plan has reached an advanced stage and the Plan has been subject to extensive community engagement prior to being submitted for examination. As this proposal is proportionate to the number of dwellings identified for the Knapp Lane site through the draft Plan, and the northern part of the site is proposed to be included within the settlement limit of North Curry (pending the allocation of the Knapp Lane site within the SADMP), development of this site is considered acceptable in principle. With this in mind, it is considered that this proposal should be considered on its merits. There are no policy objections to this proposal on these grounds.

## **Representations Received**

### **Ward Cllr Stone –**

As Ward Councillor for North Curry and Stoke St Gregory I object strongly to this application. The three main objections are on the basis of prematurity, that new housing numbers having already been met and that the road access to the site is totally unsuitable.

1) Prematurity – Planning Committee Members will be aware that the Local Plan Inquiry is presently taking place, with the Inspector having looked in detail at housing in North Curry on March 31<sup>st</sup> and in particular at the suitability of the application site in Knapp Lane. In these circumstances it would be inappropriate for the application at Knapp Lane to be approved. The Inspector has been presented with a great deal of detail information about the SADMP process, the wider position within the 5 minor rural centres, the overall housing position in North Curry and the detail of the Knapp Lane site. The Inspector should be given the opportunity to consider the overall background to this application and come to a considered decision and not be confronted with a decision made by the Planning committee without the same level of over view. For this reason the application should be considered premature and refused, particularly as the Inspectors decision will be forthcoming in a relatively short timescale. If the Inspector feels that the site is acceptable then the applicants will have the opportunity to re submit in the light of the results of the Inquiry. The timing of the application suggests that the applicants were seeking to pre-empt the Inquiry process and the Planning Committee should I feel not be seen to be complicit by approving the application. The only other option

is to refuse the application, a decision which is not irrevocable as the applicant will have options to appeal or resubmit at a more appropriate time.

2) Local Plan numbers have been met – during the deliberations of the SADMP process it was proposed that 250 houses was an appropriate number for the 5 minor rural centres to accommodate. As a result of a flood of applications after the initial site allocations in the SADMP process this target has not only been met in terms of applications granted but exceeded by at least 100% in terms of a combination of sites allocated and applications approved. While the exact numbers involved are open to interpretation the overall picture is beyond dispute and the 5 rural centres will definitely be making more than their contribution to the housing need in Taunton Deane. In North Curry alone about 43 houses have already been granted planning consent while the SADMP has been under consideration. There will be many more new units of accommodation than this coming forward over the Local Plan period on sites within the new development boundary and outside, particularly barn conversions which Government policies are strongly encouraging with it's recent policy changes which bring in new categories of farm buildings and simplify the consent arrangements.

3) Road access inadequate – In considering the Knapp Lane site itself it is blatantly obvious to anyone who visits the site that the road access along Knapp Lane is way below the standard to be suitable for a new housing estate. Two existing houses opposite each other have reduced the road width to about 3 metres. In addition the visibility at the junctions of Knapp Lane with the village square does not meet the required standards and there is no opportunity to improve these. The fact that SCC Highways failed to make a site visit to Knapp Lane when consulted by Deane officers about the initial SADMP site allocations suggests that this allocation was flawed from the start and should not now be approved simply because it was wrongly thought by some to be suitable (the lack of a site visit by Highways in the early stages was confirmed by a Freedom of Information request).

4) There are several more minor issues about the Knapp Lane site which should be mentioned for completeness. In landscape terms this is a prominent site within the North Curry ridge landscape feature. New houses on the ridge here would be seen from large areas of Hay moor and Curry moor to the North. While in theory the junior school has capacity for more children the reality is that to meet more demand the school would need to use a sub standard temporary portacabin which should have been replaced with a permanent building according to planning conditions imposed over 20 years ago. There are no funds available from SCC to address this. Finally, North Curry has drainage and sewage systems which were designed many years ago for half the number of houses which now exist and are so inadequate that they flood houses in certain parts of the village.

Conclusion – There are many reasons to refuse this application and few reasons to approve it. The site is unsuitable from a number of viewpoints but the overriding ones are that the application is premature at a time when the Local Plan Inspector is actively considering the wider picture, the 20 houses are not required and the services within the village will already be stretched by the more than 40 houses already built or presently under construction. I ask you refuse the application for the valid reasons above in the knowledge that the applicant still has cards to play which will allow a deeper analysis of the suitability of this site and give those opposed to the development to make their case in a timescale which is more appropriate to the wider planning process.

## **Ward Cllr Cossey –**

I am in complete agreement with Councillor Stone.

I object to this application on the following grounds which have been made by numerous representations

1. Prematurity the land is outside policy.
2. Local Plan numbers on new homes have been achieved.
3. Inadequate road access - Knapp Lane is highly dangerous.
4. Exposure on the North Curry ridge - new homes will be seen from miles around
5. Extreme pressure on Local Infrastructure such as the village schools, surgery and surface drainage problems in the village centre.

## **County Cllr Fothergill –**

Objection. As a village North Curry has taken a considerable amount of development in recent years and has to date assimilated these residences into the village community. I am very concerned however that this current application is too large and too significant for a small rural population. It is also significantly above TDBC's own allocation of properties to your Rural Development Centres.

I note that to date highways have not commented but would expect the small, narrow access roads to the site to be a major concern together with the impact on traffic flows around Queens Square and the Shambles. At the best of times traffic movements in this area can be a real problem. I would also object on the grounds of the impact of visible amenity. The site is elevated above surrounding properties and will be clearly seen along the ridge line for many miles. The view across the iconic Somerset Levels at this point will be severely compromised. My other concern relates to the significant adverse impact upon properties in Town Farm. The layout of parking and the proposed development is such that residents will have a reduced quality of environment, something which should be resisted in our rural settlements. Given the above I would ask that this application is outright rejected by the Planning Authority.

Objections from 81 people on grounds of

- Village has enough new houses so no need, housing target has been met
- impact on street scene and area contrary to policy S2
- outside settlement boundary and contrary to policies SP1, CP8, DM1 and DM2 of Core Strategy
- will lead to overdevelopment and loss of character of village
- The site should be reduced to limit its visibility and impact on the environment
- Site prominent in landscape and higher than road and will have a detrimental impact on the landscape and character of the village
- Negative impact on view of North Curry ridge from River Tone footpaths
- Negative impact on character and amenity on conservation area in village centre
- Loss of agricultural land contrary to policy S8
- The site lies beyond the allocation of MIN7 in the proposed plan contrary to SP1 and DM2

- Houses not in keeping
  - Overlooking and loss of privacy
  - overshadowing
  - the cross section is inaccurate. there are no trees and the hedge height is inaccurate.
  - Precedent for further development outside the village
  - Prematurity – we should wait for the report of the Inspector
  - Relevance of Knapp Lane Acre appeal
  - Accuracy of site plan
  - Increase in noise and pollution
  - Loss of community
- 
- Impact on rural lane with increase in traffic causing a danger to cyclists, walkers and riders
  - Proposal will almost double number of houses on Knapp Lane
  - Increase in traffic and congestion and County's traffic generation assumptions are flawed
  - Danger of heavy farm traffic that is not reflected in the Transport survey
  - Changes in farming have increased large agricultural traffic
  - Little local employment, limited bus service and site is unsustainable
  - Lane is too narrow with blind bends and no pavements or street lighting
  - Junction with Queen Square is narrow with poor visibility, will increase use of a substandard junction
  - Inadequate pedestrian access
  - Knapp Lane is a National Cycle route
  - Proposal is prejudicial to highway safety as safe and suitable access for all can not be achieved and this is contrary to policy CP6 and DM1 concerning highway safety
  - The footpath in the field is unsuitable for many villagers and is not suitable for the use suggested
  - The footpath T17/50 should be upgraded to adoptable standard
  - More road damage
- 
- Impact on local services such as school and medical centre
  - School is oversubscribed as is health centre
  - Funding for special educational needs
  - threat of run-off to surrounding properties
  - query feasibility of new drainage plan
  - no evidence of insurance developers will set aside should the village flood or someone is hurt as a result of the new development
  - Increase in flood risk to rest of village contrary to CP1, CP8 and DM1 of the Core Strategy and Section 10 of the NPPF
  - Existing drainage system can't cope
- 
- Concern over impact on wildlife with loss of habitat with hedge loss
  - Impact on badgers
  - Impact on human rights with right to quiet enjoyment of property and right to respect private and family life

## **Planning Policy Context**



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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

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

NPPF - National Planning Policy Framework,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

Draft Site Allocations and Development Management Plan

Policy I4: Water Infrastructure  
Policy ENV2: Tree Planting within residential areas  
Policy ENV3: Special Landscape Features  
Policy MIN7: Knapp Lane, North Curry

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. This development measures approx. 2875m<sup>2</sup>. Based on current rates, the CIL receipt for this development is approximately £359,500.00. With index linking this increases to approximately £424,000.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough

£21,581

Somerset County Council	£5,395
<i>6 Year Payment</i>	
Taunton Deane Borough	£129,488
Somerset County Council	£32,372

## Determining issues and considerations

The main considerations with the proposal here are the compliance with Local Plan housing policy, the impact on highway safety, flooding, landscape, wildlife and residential amenity.

### Policy

The site lies on the edge of the village of North Curry which is designated a Minor Rural Centre under policy SP1 of the Core Strategy. Policy SP1 does not set a maximum number of houses for Minor Rural Centres. The draft Site Allocations and Development Management Plan has identified residential development sites in North Curry of which the site for 20 dwellings here is identified under policy MIN7. This Plan is at an advanced stage in the process and while it has not yet been formally adopted the Inquiry Inspector has advised that the main modifications discussed at the hearings are all that is necessary to make the Plan sound. As this makes no reference to the deletion or addition of housing sites it is considered that the allocation at North Curry is as stated in the Plan and therefore significant weight can be put on the Draft Plan Document.

MIN7 of the Site Allocations and Development Management Plan identifies land at Knapp Lane for around 20 dwellings. The policy requires a hard surfaced pedestrian link as well as improvements to the right of way to the west. This is proposed through the Section 106 and a condition to require the provision of these improvements prior to occupation of any dwelling is considered an appropriate and necessary condition.

The policy also requires the proposal to comply with other policy requirements, including strategic landscaping, other environmental matters, affordable housing, design and a mix of dwellings and recreational open space where appropriate. An indicative plan was drawn up indicating the dwellings to the north of the site. However this was produced without the benefit of a landscape assessment. Part of the requirement of this site is to provide a children's play area. Locating this in the proposed open space to the south, however, would not secure adequate surveillance of such an area as required by the Leisure Office. Consequently the play area has been located centrally which pushes development further south. However there is still a proposed area of open space around 30m wide which will have strategic planting within it. An area for allotments is also provided as well as an attenuation pond for surface water drainage.

The proposed scheme provides for 20 units of accommodation and 5 of which would be affordable in line with policy CP4 of the Core Strategy. The Housing Enabling Officer is satisfied with the mix proposed and the affordable units will need to be

secured through a Section 106 agreement.

The design of the dwellings proposed are two storey and are to be constructed in brick and render with slate or tiled roofs. These designs and materials are considered in keeping with the village and are not dissimilar to those already approved at the Overlands site which is being carried out by the same developer. The development provides for 2 x 5 bedroomed dwellings, 9 x 4 bedroomed units, 6 x 3 bedroomed units, 2 x 2 bedroomed and 1 x 1 bedroomed unit and this mix of housing is considered an acceptable one.

## **Highway Access**

The access into the site is via a new entrance off Knapp Lane and provides for 2.4m x 43m visibility in both directions. The access is of an appropriate width and with a footway both sides of the access. This access is considered suitable to the Highway Authority. Mention is made by objectors to the Knapp Lane Acre refusal and appeal and parts of this decision have been selectively quoted by objectors. However the highway reason for refusal in this instance was a lack of visibility at the junction of the site with Knapp Lane where the applicant had no control over land ownership, a lack of turning space and a lack of access to a suitable footway. These issues were reflected in the Inspector's decision and are not comparable with the current site.

The site layout provides a minimum 2 spaces per dwelling and in cases where garages are provided meets more than the optimum requirements of the County Council parking strategy. A footway link is to be provided to the existing public footpath to the west and an upgraded link to the village centre is proposed. This will need to be secured through a Section 106 agreement. It is also considered necessary to ensure that this link is provided before occupation of any dwellings to ensure a suitable safe pedestrian access is formed and a condition is proposed to address this. The other pedestrian access and visibility to the north is considered acceptable to the Highway Authority.

Significant objection has been made in terms of the increase in traffic and safety of the Knapp Lane junction with The Shambles. This junction however, although it has limited visibility, is part one way. The Highway Authority has assessed the impact of the scheme in terms of additional traffic movements. While the Highway Authority considers there would be concerns over any proposal that would result in a significant increase in movements on this junction, the proposed movements (an additional 4 per hour) would not constitute a severe impact in capacity and safety terms to warrant an objection on highway grounds.

A Travel Plan will be a requirement of a development of this scale and this will be secured through a Section 106 agreement. In addition to the legal requirements a number of conditions are also proposed for any approval. A number of these are considered unnecessary or unenforceable and therefore conditions in respect of visibility, drainage, access and cycle/footpath connections are proposed.

## **Drainage/Flood Risk**

The proposal involves separation of foul and surface water drainage and Wessex

Water advise that the connection of foul drainage to adopted systems would be acceptable. The main issue is the treatment of the surface water from the site after Wessex Water advised that the existing surface water system has limited capacity. This is reflected in the Parish Council and objector comments. In order to address this a new surface water sewer is proposed that would be adopted and the surface water from the site would drain to the attenuation pond and would then be released to the sewer at greenfield run-off rates which would drain away from the village and thus avoid the exacerbation of the potential flood situation. The new sewer would be provided and adopted by Wessex Water in a precise location to be agreed.

The Environment Agency and the Lead Local Flood Authority raise no objection on flood risk grounds and the latter recommends a condition to ensure adequate surface water drainage is provided. Given the flood risk in the area it is considered that a condition to ensure the surface water drainage provision is provided on site at an appropriate time is necessary.

## **Landscape**

The application site lies on the existing edge of North Curry and a Landscape and Visual Appraisal was submitted with the application by a qualified Landscape Consultant. Clearly the development will have a visual impact on its surroundings, however the site is bounded by the edge of North Curry to the east and south and given the topography the views of the site are limited and localised. The site will be visible from the footpath to the west however the view will be against the back drop of the existing properties. The site does not directly impact on any Listed Building, the Conservation Area or SSSI.

Objections have also been received quoting an adverse impact on the North Curry Ridge. The Ridge is a Special Landscape Feature that is protected under policy ENV3 of the draft Site Allocations and Development Management Plan. This policy seeks to prevent development that would harm the appearance and character of the area. However the site is not readily visible from long distance views beyond the site. The photograph submitted by a number of objectors from the direction of the River Tone is using a zoomed focal length that omits the foreground. The natural view from the river has an extensive foreground and is dominated by the pastoral landscape of the floodplain and rolling agricultural landscape. At a distance from the ridge to the north, the site is not clearly visible and in wider landscape terms views of roofs of houses associated with other house roofs is not considered harmful to the character and appearance of the area.

The Landscape Officer agrees with the findings of the Appraisal report and advises "Given the relatively small size of the site and scale of the development along with the existing boundary vegetation and proposed landscaping, the development can be assimilated into the local area with only minimal landscape and visual effects."

## **Wildlife**

An Ecological Assessment has been submitted with the application and an update visit made following the removal of the crop from the field and at the request of Officers. Badgers have been identified as present within the locality and the

Biodiversity Officer is satisfied that suitable mitigation measures can be employed as part of a standard condition, given that no setts are directly affected by the development on site. Consequently a condition to address this matter is proposed should the development be acceptable.

### **Residential amenity**

The site lies on the edge of the village and therefore has residential properties to the north, south and east. To the north the new dwellings are set at field level which is over 1m above the road. However the dwellings are set so that they are around 20m from the boundary with the road and where there are other residential properties on the opposite side of the road are arranged so there are around 29m in terms of window to window distances. The garages are slightly closer at 10m or more off the boundary and this distance together with their lower height is considered adequate to prevent an overbearing impact. This proposed layout is considered to protect privacy and amenity and while it will affect the view out of the existing dwellings there is no right to a view.

The new properties to the south east will back onto the gardens of Town Farm. The gardens of the detached units will be over 20m in length while the area to the rear of the terraced properties will be 18m. This gives a window to window distance of around 50m for the terrace and in excess of 65m for the detached properties. There will also be views from the open space to the south east, however the amenity impact of this on gardens is considered acceptable and it is considered that with appropriate boundary treatments this will avoid any harm to amenity and loss of privacy.

### **Conclusion**

In conclusion the residential development here is considered to comply with policy MIN7 of the Site Allocations and Development Management Plan, it is considered that the scheme will not significantly harm wildlife, the landscape character of the area, residential amenity, flood risk or highway safety and is considered to be development in accordance with the development plan and is recommended for approval subject to a Section 106 Agreement.

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

**Contact Officer: Mr G Clifford**