

WEST OF ENGLAND DEVELOPMENT

OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 44 NO DWELLING HOUSES, SCOUT HUT AND RECREATIONAL OPEN SPACE, DRAINAGE WORKS AND ASSOCIATED ACCESS AT LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL AS AMENDED BY EMAILS DATED 28 FEBRUARY 2013 AND PLANS 100-B AND 101-B AND 3300A IN RESPECT OF THE ILLUSTRATION LAYOUT AS AMENDED

Grid Reference: 326790.125818

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the provision of a Section 106 Agreement to address the provision of

- 25% Affordable Housing provision on site,
- Contribution of £110,313 towards primary education,
- Contribution of £110,814 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £194 per dwelling for allotments,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- Contribution of a commuted sum to the value of 1% of development costs or by commissioning and integrating public art into the design of the buildings and the public realm.
- provision of maintenance of the open space and flood attenuation area.
- a contribution of £44,000 (or £1000 per plot) for safety improvements along Hyde Lane west of the M5 towards the secondary school,
- Green Travel Plan measures

The proposed development of up to 44 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal is in accordance with the provisions of policy SD1 and SP1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. 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 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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before **before the buildings are occupied** or **in accordance with a timetable agreed in writing with the Local Planning Authority** and shall 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.

4. (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.

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

Reason: To protect the environment by ensuring separation of clean and foul waters and preventing flooding due to over capacity of sewers.

6. No development shall commence until a detailed surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in strict accordance with the principles shown on approved drawing "*Drainage Strategy Plan*" (prepared by Spring Consultancy and dated 17 April 2013 Ref: 2014/100-D). The development shall subsequently be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and pollution risks are minimised through the use of SuDs in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy CP8.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife, incorporating a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice Michael Woods Associate's Ecological survey dated November 2012 and any up to date surveys and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind

these species are protected by law.

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

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

10. No more than 44 dwellings shall be constructed on the site.

Reason: To limit numbers on site in the interests of landscape impact.

11. Oil interceptor traps shall be provided to any parking courts.

Reason: To prevent pollution of the water environment.

12. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced 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 DM1 of the Core Strategy.

13. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed during construction and thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

14. The proposed roads, 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 carriageway and footpath to at least base course level between the dwelling and existing highway.

Reason: To ensure that the proposed estate is laid out in a safe and proper

manner with adequate provision for various modes of transport in accordance with policy DM1 of the Core Strategy.

15. 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 and approved in writing by the Local Planning Authority, including an appropriate treatment of connection with footpath T10/26 near the Hyde Lane junction.

Reason: In the interests of connectivity and highway safety.

16. The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

17. There shall be an area of hard standing at least 6 metres 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: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

18. 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.

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. 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.

3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit.

This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works. Further information can be obtained from the Estate Roads Team, Transport Development Group, PP C502 County Hall, Taunton, TA1 4DY tel no 0845 345 9155, email: estateroads@somerset.gov.uk. 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 Maureen Atwell, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning her on 01823 355645. 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. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

Section 50 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 from the Highway Authority's Streetworks Co-ordinator (01823 483135).

4. You are advised that bungalows should be utilised on the southern part of the site to lessen the landscape impact.

PROPOSAL

The proposal is an outline application for 44 dwellings at land south of Hyde Lane and west of the medical centre, and also includes a scout hut, open space, parking and drainage works. The application includes a Design and Access statement, a Planning Statement, a Flood Risk Assessment, a Transport Assessment, Landscape Appraisal and Ecological Appraisal.

SITE DESCRIPTION AND HISTORY

The site consists of a sloping arable field to the west and south of the Medical Centre. The canal lies to the south, an existing boundary hedge lies to the west and residential property boundaries lie to the east. An existing field gate through elm hedging lies to the north giving access onto Hyde Lane.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL - Creech St Michael Parish Council strongly object to this proposal on the following grounds:

1. Whilst we appreciate the need for additional housing we find that this application fails to consider the wider implications for this village. For example the road traffic survey fails to take into consideration the impact of the site approved under planning application 14/12/0036, the proposed closure of Hyde Lane or the increase in traffic through the village caused by the emerging Monkton Heathfield development bearing in mind that part of that development falls into Creech St Michael parish & therefore will be using the Medical Centre facilities.

2. We are yet to receive written assurances that monies paid under S106 agreements will be "ring fenced" for use at Creech St Michael school only. Educational improvements & upgrades to the school using these monies must in place prior to occupation of new housing.

3. The suggested layout is of poor design creating a possible danger with children playing near the canal & attenuation pond. The lack of housing overlooking the proposed open space (& possible play area) could result in an unwelcome increase in anti-social behaviour. No provision is made for the upkeep of this open space. We feel insufficient consideration has been given to alternative or additional exits, into Arundel's Way for example, which may relieve the burden of traffic past the school.

4. The site has no provision for bungalows for the elderly or disabled within its affordable housing outline. This lack of provision will significantly alter the character of the village.

5. We have grave concerns as to the lack of an acceptable water runoff strategy as referred to in the Environment Agency report. The site needs a complete review as there is already an attenuation pond there to service Hollingsworth Park, (the fact that this pond has failed spectacularly to do its job being incidental), & the lack of a legal agreement between the developers & the Canal Trust causes concern.

6. We note that the site is outside the building line & not yet part of any adopted plan as unacceptable site for development.

7. THE FOLLOWING COMMENTS ARE MADE WITHOUT PREDJUDICE TO OUR OBJECTION TO THIS APPLICATION & SHOULD NOT BE TAKEN IN ISOLATION

OUTSIDE THE CONTEXT OF THIS DOCUMENT AS A WHOLE. Under planning application no. 14/12/0036 outline planning permission has been granted for a Scout Hut at a separate site. We have no need of another such hut & would therefore require a review of the proposed layout prior to its consideration by Planning Officers.

8. Should planning permission be granted we would like to see a pedestrian crossing situated at the entrance to the old Hyde Lane (now a foot & cycle path) to allow access to the recently equipped play area at the Recreation Field some 250 metres away.

9. Should planning permission be granted we would request on an S106 agreement local connection clause that qualifying local residents be given priority on affordable housing. In respect of the requested bungalows this will ensure elderly residents of Creech St Michael may continue living in their "home" village whilst releasing much needed social housing.

10. Whilst the extra parking is most welcome in an area of parking difficulty, especially at school drop-off & collection time, it is no compensation for the additional traffic created by this development as it is for housing only with no employment opportunities. This means more car journeys & thus more traffic related problems. The loss of Hyde Lane north to Britton's Ash will increase traffic along a narrow country lane towards Bathpool, a route previously noted by SCC Highways as offering potential dangers to both pedestrians & cyclists alike. In the event of acceptance of this proposal we would request any upgrading of this road to be completed before the occupation of the 1st dwelling.

In the light of the above our conclusion is to request rejection of this application at this time.

Further comments 7/3/13 .

The proposed revision is merely a by-pass to the points made and not a solution. The proposed works appear to require a pipeline being laid under several privately owned gardens in Queens Down, and yet no mention is made of their approval. This proposal still has the water emptying into the canal the only change being the circumvention of a new agreement and license. Additionally no mention is made of the points raised by Wessex Water in relation to further investigative work being required if development proceeds before the Monkton Heathfield development. We feel, therefore, that the amended proposal is not an adequate solution to the concerns raised by professional agencies.

There are also some additional points we would wish to raise. Creech St Michael has been identified in the Core Strategy as a minor rural centre where some development is appropriate. It does not, however, assess what that level should be or which are the most appropriate sites, this being the function of the Site Allocations Plan. This plan has only just come to public consultation and its conclusions will not be known for some months. Until this exercise is complete it is impossible to decide whether development proposals such as this application are sustainable. Sustainability is not just about the availability of local, basic services but also an evaluation of the role and function of the settlement, its local housing needs and whether there are locally available jobs that reduce the need to travel (and, if not, whether there are adequate levels of access by foot, cycle or public

transport to places where there are jobs). We would suggest there is little, if any, local employment available by foot, cycling involves the use of inadequate roadways in the absence of cycle paths and public transport ceases in the very early evening and is totally absent on Sundays. The immediate road network has been highlighted in planning application 14/12/0036 as being a potential reason for refusal. The necessity for car travel to and from work is thus compounding a previously identified problem and is also outside the principles of the Core Strategy.

The NPPF's "12 principles" require planning to be "genuinely plan-led, empowering local people to shape their surroundings". The Development Plan requires all prospective sites to be within current settlement limits where new development is strictly controlled. As this site is outside the settlement limit consent should be refused unless material considerations indicate otherwise (NPPF, paragraph 11). NPPF paragraph 14 allows consent where "the development plan is absent, silent or relevant policies are out of date". As the Site Allocation Plan is still ongoing, the trigger to use this test - the development plan being absent, silent or out of date – is not applicable and therefore this application remains contrary to the development plan.

The Council's Strategy and Communications Unit state in relation to planning application 14/12/0036 decisions on the scale of development and choice of sites in Creech St Michael should be made through the Site Allocations Plan. Accordingly, whilst we wait for the outcome of the consultations etc. this application should be refused.

Taunton Deane Borough Council's Site Allocation and Development Management Policies Plan item 2.26 states the Rest of Borough trajectory can account for nearly 1600 new homes over the period 2008-2028. Completions in the first 4 years have greatly exceeded Core Strategy requirements and therefore, in conjunction with the concerns of over allocation of land in 2.28, further development would threaten the Core Strategy. Creech St Michael has meaningfully contributed to the Core Strategy by way of Hollingsworth Park, some 76 dwellings and planning application 14/12/0036 (granted for an additional 35 houses) and now risks being overdeveloped before the sites have even been approved.

Given the above Creech St Michael Parish Council very strongly believe there are no grounds for further development in the village in this planning period and thus respectfully request that this application be refused.

SCC - HIGHWAYS – No objection subject to s Section 106 agreement to secure:

- 1) Forty-four thousand pounds (£44,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 2) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Detailed comments on application:

General Location - The site is located to the west and south of the medical centre off Hyde Lane near the settlement of Creech St Michael which has a primary school, shops, public transport routes and other services. It is also relatively close

to Monkton Heathfield where Heathfield secondary school serves the east/northeast sector of Taunton and its surrounds.

The site is accessed from Hyde Lane which leads east to the centre of Creech St Michael, from thence north (to A38 and A361) or south (to A358), and also west across the MS via Hyde Lane Cottages to connect with the A38 at Bathpool, south of the Taunton-Bridgwater canal.

Nearby Highway Network Nature and Use - Hyde Lane narrows and has no footways east of the M5; for part of its length between the MS and Hyde Lane Cottages there are grass verges which enable pedestrians to walk or temporarily step clear of the carriageway when other traffic approaches. However closer to Hyde Lane cottages the highway corridor narrows and is bounded directly by mature hedges such that there is no opportunity for refuge for pedestrians from motorised traffic. The lane is not street-lit and the sinuous alignment also means that in parts forward visibility between road users is also limited to the detriment of road safety.

There is substantial ongoing new development on the Taunton side of the M5 at Monkton Heathfield. The recent closure of Brittons Ash lane will have some impact on local traffic movements, as some northbound traffic from this west side of Creech St Michael is likely to re-route going east first via the village centre and then north via North End to reach the A38, which is considered to be a higher standard alternative highway route.

A proportion of westbound traffic from Creech St Michael will doubtless continue to use Hyde Lane to access the A38 at Bathpool and this would be likely to grow if the proposed development takes place. Hyde Lane to Bathpool is characterised as a winding, narrow country lane where drivers passing in opposite directions take turns, waiting at wider points, in field gateways etc. Its nature means that it is relatively self-enforcing in terms of traffic capacity. The lane is therefore, appropriately, not attractive to drivers wishing to cut through between the A38, a County Route, and the A358, National Primary route. This local alternative, via Hyde Lane, is not a route the Highway Authority would wish to see used other than by local traffic with local access requirements. (In addition to providing local access the lane forms part of a local route which consists of minor roads through Creech St Michael which connects the A38 with the A358 avoiding key nodes on the direct connections at Creech Castle and at Junction 25 of the M5 which can be congested with delays at times).

Concern – pedestrian safety along Hyde Lane between M5 and Monkton Heathfield Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane turning right at Hyde Lane Cottages onto Brittons Ash, a lane which has recently been closed to motorised traffic. The Hyde Lane corridor remains a most direct route to the school for pedestrians and cyclists though between the M5 and the bend at Hyde Lane Cottages, it is a poor quality, substandard environment for these users. The situation for pedestrians is likely to have been improved by the recent closure of Brittons Ash but any new traffic generated by development between Creech St Michael and the M5 may reverse this. It is a well used route to school and it is expected it would also be used in addition by occupants of the proposed new dwellings.

Proposed Site Access - In detail, it is proposed to access the site on the outside of

a bend as such acceptable visibility onto Hyde Lane can be provided. A public footpath utilising an access track also joins Hyde Lane from adjacent fields at this point. As the public right of way will be affected by the development proposal it is recommended that the LPA consult with the County Council's RoW team to obtain their views on this proposal.

Immediately south of the access a small parking area has been included for school pick up/drop off purposes, but this is unlikely to be of much benefit as it is on the opposite side of the road to the school so it is likely to be a less preferred option. There has been development in recent years in the vicinity of the school such that there is more on-street waiting opportunity than there was. Having observed the situation at school start and finish times, although Hyde Lane looks busy and traffic can often only pass along it slowly with opposite directions taking turns at those times, this friction is considered beneficial in terms of keeping traffic speeds low. A high proportion of the children attending the school and nursery also arrive and depart on foot as they live nearby in the village. It is worth noting that another planning application (reference 14/13/0006) also seeks to provide additional parking spaces for staff at the school and it is anticipated that should permission be granted for that application then some of the cars that currently park on Hyde Lane would be displaced to that location at the back of the school.

Transport Assessment - The traffic impact of the proposed residential development is likely to be small. It will have some impact on Hyde Lane to/from the A38 and, consistent with other nearby proposals, it is suggested that a proportionate contribution to improvements be sought.

The main issue is that of parking. Whilst a commitment to some aspects of SCC's Parking Strategy is provided, this should cover all elements more explicitly. More importantly the additional parking for the school needs to be fully justified. Once justified the TS can be reconsidered; it is not acceptable as it stands.

It is suggested that the vehicle movements associated with the Scout Hut can be discounted as they would already be on the local network. This is not necessarily a straightforward argument, the principle of development on the existing site is an issue for the LPA and there may be another use in future. Nonetheless it is accepted that peak hour movements would probably be small and not therefore have a significant impact on the local highway network.

In paragraph 4.9 it is noted that the canal towpath (NCN Route 3) "would be directly accessible at the southern site boundary". This would be of great benefit, but is not evident from the site layout provided; indeed the towpath is on the other side of the canal, with no bridge in the vicinity.

A Travel Plan Statement will be required. Again, the proposal cannot be considered acceptable until this has been assessed and agreed by the Highway Authority.

Estate Road Matters - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC); this means it is likely that a charge will be made against the cost of roadworks for this site but upon satisfactory completion of the site, monies/bond secured will be refundable. However near plots 15-19, as currently shown within the submitted drawing, part of the site will not be served by

an adoptable link and as a result, will be subject to legislation governing the Advance Payments Code such that any monies secured via APC for the construction of these 'unadoptable' links will not be returned to the developer after completion.

Flooding - The County Council as Lead Flood Authority is aware of the local concerns regarding drainage in Creech St Michael and have been working with a number of residents on various local flooding/maintenance matters. With regard to the wider issues of flooding and the effect of development, the Environment Agency has captured some Section 106 money to undertake a drainage study of this area. This will identify where the pinch points and potential problems are in the existing drainage system and make recommendations as to how these might be addressed, including consideration of the effect of potential new development in the village. A meeting between the Environment Agency, Wessex Water and the County Council's Flood Risk Management Team has been convened this Spring to discuss the scope of this report and agree who will lead on the work. Part of the meeting will be to agree how to involve the Local Planning Authority and TDBC Drainage Engineers in this work.

Construction Traffic - There are some concerns about how construction traffic will be routed to the site, particularly heavy and long vehicles. Hyde Lane is not suitable for long or wide vehicles, an alternative route from the A358 Ruishton is over a weak bridge (weight restriction applies) and what is on balance the better route into the village, from the A38 via North End, involves a width restriction, some traffic calming, and passes through the centre of Creech St Michael then uses the junction of Hyde Lane with St Michael Road and in turn along Hyde Lane passing the primary school to reach the site.

Summary of Requirements - It is clear that the development will generate both vehicular and pedestrian traffic on the local country roads. Whilst in strict capacity terms the carriageway can accommodate increased traffic it is clear that the introduction of this and additional pedestrians will result in potential conflict to the detriment of road safety.

To resolve this there are two possible scenarios:

- 1) To refuse permission for the development on highway grounds; or
- 2) To require contributions from this and potential future developments to:
 - a) install interim traffic management measures which enhance safety for users; and
 - b) construct a footway with any permanent associated traffic management measures required from the motorway bridge as far as to provide a safe pedestrian and cycle way to the proposed Pegasus crossing on the Monkton Heathfield Eastern Relief Road (MHERR).

It is my view that the 2nd option, to require contributions, is the most appropriate in these circumstances, being in addition to the requirement for a Travel Plan.

I would therefore raise no objection to the application subject to the developer entering into an S106 agreement to secure:

- 1) Forty-four thousand pounds (£44,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and

2) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Conditions - In the event of permission being granted, I would recommend that conditions are imposed:-

SCC - DEVELOPMENT CONTROL 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.

SCC - RIGHTS OF WAY - There is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T10/26). Any proposed works must not encroach on the width of the footpath. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below then authorisation for these works must be sought from the County Council Rights of Way Group.

- A PROW being made less convenient for continued public use;
- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed;
- Changes to the existing drainage arrangements associated with a PROW.

If the work involved carrying out the development would make a PROW less convenient for continued public use (or) create a hazard to users of the PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on 483069.

LANDSCAPE - My main concerns are the visual impacts of the proposals from the canal looking into the site from the south and from the west, where the proposed homes would be prominent behind the western boundary hedgerow on higher ground. The attenuation pond would fit better if it was longer and ran with the contours.

BIODIVERSITY – comments:

The site consists of recently harvested maize crop, surrounded to the west and north by hedgerows, to the east by residential development and the south by The Bridgwater to Taunton Canal. A recently built health centre and L shaped attenuation pond was located immediately to the north east. Development proposals will retain the hedgerows. Michael Woods Associates carried out an

Ecological survey of the site in November 2012. Findings were as follows:

Badgers - A small main or well used subsidiary badger sett was found within the NW of the site along with other badger signs such as maize cob feeding remains and badger paths. The surveyor considered that the sett should be retained and so would be unaffected by the development. If this changes a licence may be needed to disturb the sett. I support the proposal to erect a close boarded fence to create a buffer zone adjacent to the sett.

It is essential that an up to date survey is carried out prior to any construction taking place on site.

Bats - The surveyor found no trees on site suitable for bats. Boundary features are likely to provide commuting/foraging opportunities for bats specifically the western boundary which leads down to the canal. I agree that lighting along the hedgerow and canal should be restricted

Water vole - Signs of water vole (burrows and droppings) were identified along the canal. I support the retention of a 5m buffer during and post construction works and a wider 70 m buffer following development. I support the recommendation to survey for water voles one year following construction.

Otter - Although the surveyor noted no signs of otter (the survey was carried out following a week of heavy rainfall) it is highly likely that otters use this section of the canal, so a buffer is required

Amphibians - The recently constructed attenuation pond provides potential habitat for amphibians as does the canal.

Birds - Trees and hedgerows on site provide potential nesting and foraging opportunities for birds as does the canal. The hedgerows will be retained but any other vegetation clearance should take place outside of the bird nesting season.

I support the enhancements suggested in the report and suggest the following condition

Suggests Condition for protected species:

HOUSING ENABLING - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The houses should be predominately 2 and 3 bedrooms.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred

affordable housing development partners list.

THE RAMBLERS ASSOCIATION, SOMERSET - No observations.

COUNTY COUNCIL EDUCATION –

Creech St Michael Primary School has a capacity of 240, but its current roll is 242; and it is expected to continue to be over-subscribed for the foreseeable future. This development of 44 houses would be expected to require nine primary school places and these would clearly not be available at present. Additional accommodation would therefore be required and developer contributions should be sought through Section 106 of the Act. The cost of each primary school place estimated by the DfE is £12,257, so contributions totalling £110,313 should be secured.

Heathfield Community School also already has a roll significantly in excess of its net capacity and, again, this is expected to be so in future years. Its capacity would need to be increased to meet the needs of this development, which would be expected to generate demand for six secondary school places. The DfE estimate of the cost of each of these is £18,469, so total contributions of £110,814 should also be sought.

DRAINAGE ENGINEER - I note the Environment Agency's objection lodged on 8th February and the revised surface water disposal strategy by the developer where surface water is now proposed to outfall into Wessex Water public sewers and that Wessex Water and the developer are having further discussions. Until WWA has made their revised comments regarding acceptable discharge rates then the FRA dated December 2012 is not acceptable. I am also in agreement with the EA's comments regarding the discharge of additional flows into the canal and the frequent overflows in the Bathpool and Firepool areas.

Further comments 23/4/2013

I am happy with the agreement reached between the Developer and Wessex Water and the approval, subject to conditions, as outlined by the Environment Agency.

WESSEX WATER - The site is served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Please refer to the attached extract from our records showing the approximate location of our apparatus in the vicinity of the site.

Foul Drainage - Initial appraisal suggests that the site may be drained by gravity which is preferable to a pumped solution. It is expected that the site can connect, by gravity, to the system in Queens Down. The FRA acknowledges that further investigation is required of the downstream sewerage system to ensure there is adequate capacity to accommodate flow from the proposed development. Capacity improvements are likely to be required for this site if development precedes

catchment improvements considered for development at Monkton Heathfield post 2015.

Surface Water - A connection to the surface water system in Queens Down with existing outfall to the canal is preferable to a new canal outfall. Rate of flow to be attenuated as indicate to 100 year event + climate change. The proposed pond will not form part of an adoptable system.

request a planning condition regarding Foul and Surface Water

Further comments 20/3/2013

I note the concerns raised over sewerage capacity arising from the proposed development. The drainage strategy for foul and surface water disposal can be agreed in principle. The points of connection to public sewer system are accepted and agreed. Foul water flows will drain by gravity to a new pumping station and then pumped to a point of connection at Arundells Way. The final pumping rate and emergency storage requirements will need to be agreed with Wessex Water.

Existing public sewers downstream of the proposed development are vulnerable to flooding under storm conditions. Wessex Water has a scheme programmed for 2014/15. This scheme will provide additional capacity with a new sewer and attenuation tank to prevent sewer flooding to downstream property. We are currently preparing scheme design for these capacity improvements. No additional funding or contributions will be required from the developer. There are also further improvements that may be considered at Creech St Michael and these are associated with strategic sewer capacity for the later phases of the Monkton Heathfield development at the west. However this is a future scheme and is unlikely to be considered for a number of years. Where additional catchment growth is planned further local improvements may be necessary to prevent sewer flooding. This may depend upon the Core Strategy allocations for proposed growth at Creech St Michael and how quickly these may be brought forward.

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

There are a number of points that we have raised concerning the adoption requirements and these remain outstanding.

These concern the sewer layout and exceedance flows from the pond. DEFRA have advised that the mandatory build standard will be implemented in October of this year and we will seek to address these matters during technical approval for the sewer adoption.

In the circumstances the off site works needed to satisfy a foul drainage strategy for this site will be provided by the sewerage undertaker and therefore deferment of the permission appears unnecessary.

LEISURE DEVELOPMENT - In accordance with Local Plan policy C4 the provision

for play and outdoor active recreation should be made for the residents of these dwellings.

On site children's play provision should be made within the development proposal as the site appears to be more than 300m from the nearest existing children's play area. The outline application of 44 dwellings has 38 x 2bed+ family sized homes proposed. Each family sized dwelling should provide 20sq m of both equipped and open play space. The development proposal as shown should therefore provide 760 sqm of children's play space consisting of at least 400sqm LEAP, containing at least 5 items of equipment, with the balance of 360sqm being open play space. The LEAP should be centrally located to and overlooked to promote natural surveillance and sited away from the main access road. The Council's Open Spaces Dept should be asked to comment on the actual design and content of the playground.

- A contribution, currently £1454 for each dwelling, should be made towards the provision of facilities for active outdoor recreation.
- A contribution of £194 per dwelling should be made towards allotment provision.
- A contribution of £1118 per dwelling towards local community hall facilities, which are open to everyone and a focal point of community activities for all age groups should be sought to cope with the extra demand the proposal will create.
- All contributions should be indexed linked.
- A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of development costs.

ENVIRONMENT AGENCY – Initially objected to the proposal but subsequently withdrew that objection following the submission of further information

Recommend conditions

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) – no objection:

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways

for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has no objections to the proposed development, subject to the imposition of suitably worded conditions relating to:

Drainage - it is noted that the applicants wish to discharge into the canal, there is no guarantee that this would be acceptable. A formal application with supporting documentation will be required with developer contributing to the cost of undertaking this work (circa £2k) – Ideally this should be a condition of planning. If a discharge is deemed acceptable mitigation works may be required to protect the canal at the point of discharge and a license and commercial agreement will be required.

We therefore suggest that a condition requiring further details of drainage is imposed if the Local Planning Authority is minded to grant consent.

Landscaping - Landscaping adjacent to the Canal can affect how a development is perceived from the waterspace and towpath and needs to be designed and located to ensure it has no structural impact on the waterway and that the species are suitable for a waterside location. We therefore suggest that further details of the landscaping adjacent to the Canal are provided and that the Canal & River Trust is given the opportunity to comment on its suitability.

Pollution - During the construction phase of the development there is the possibility of pollutants entering the waterway, either through spillage, surface water run off or wind blow. This will be covered by our third party works process which controls works adjacent to a waterway. In run of contamination from car parking areas can also cause pollution and so suitable Oil interceptors traps should be provided to prevent pollution entering into ground or surface water.

The Boat house -

We note that the proposal includes a boat house. The Canal & River Trust is very supportive of proposals to increase recreational opportunities on the waterway however not all locations are suitable. We would wish to discuss the proposed use of the boat house and any impact it will have on the waterway before any project is taken further to ensure that we can be supportive of the proposed use and in order that the applicant is aware of any licenses etc. that may be required.

The Trust would also wish to see details of the proposed design, scale and materials of the boat house to ensure that it is suitable for its location close to the waterway. We assume that this will be provided in any subsequent application for reserved matters.

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

Revised Comments 21/3/13

We note that the applicant has amended the drainage proposals and that surface water drainage will run into the canal via existing Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge will not have an

adverse impact on the canal.

SOMERSET WILDLIFE TRUST - In general we would support the findings and recommendations of the survey, although we would agree with the recommendation that it should be repeated if no development takes place within 12 months. We would also fully support the recommendations for ecological enhancements, in particular 6.5.3 regarding wildflower and seed mixes, 6.5.4 recommending the planting of native fruiting tree species, 6.5.5 recommending of the installation of bat and bird boxes, 6.5.6 recommending the sympathetic design of the attenuation pond to encourage use by wildlife and 6.5.7 and 8 the creation of log and brush piles as well as perches for wildlife. We would also agree recommendations for a construction management plan and a landscape management plan to ensure ongoing maintenance of the planting. In addition we also agree the recommendation for construction of close boarded fencing to create a buffer zone adjacent to the badger sett. Similarly the provision of a subterranean fence along garden boundaries should reduce the risk of badgers tunnelling into gardens and coming into conflict with residents. Further fencing as proposed will prevent residents mismanaging the hedgerows. We would also support the recommendations in the report in respect of limiting external lighting. As far as the issues of water voles are concerned we would fully support the recommendations in 6.4.16-20, although we are not sure how realistic the proposing the belling of cats is likely to be. We support the fencing off of 5m from the canal bank for wildlife purposes. We would also hope that when detailed design takes place consideration is given to incorporation of wildlife corridors through and around it. We request recommendations in the ecological survey are incorporated into the planning conditions if it is decided to grant permission.

PLANNING POLICY – comment

The principle of development

Both application sites lie beyond the existing settlement limits of Creech St. Michael in open countryside. The proposals therefore run counter to policies CP8, SP1 and DM2 of the adopted Core Strategy. Notwithstanding this technical conflict with the development plan, both sites are in relatively sustainable locations with good access to the nearby primary school and medical centre as well as a local shop, post office, pub, church and village hall.

Creech St. Michael is identified as one of five Minor Rural Centres within the adopted Core Strategy. Policy SP1 of the Core Strategy makes provision for the allocation of at least 250 net additional dwellings across these centres.

It is unlikely that each of the Minor Rural Centres will contribute an even, pro-rata'd share of the 250 target. The precise scale of development attributed to each Minor Rural Centre will be determined by the emerging Site Allocations and Development Management Policies Plan taking into account the availability of suitable sites, the capacity of local infrastructure and the character and setting of each village as well as the level of local affordable housing need.

The Site Allocations Plan is still at a relatively early stage of production. The Council undertook an initial Issues and Options consultation in early 2013, the

responses received by the community and key stakeholders will be used to inform the development of a Preferred Options Plan in the Autumn of 2013.

The cumulative impact of approving these two applications, (along with the previously approved Strategic Land Partnerships application for 35) would see around 110 new dwellings identified in Creech. This level of new housing could be considered out-of-scale to that needed in the village but needs to be considered in the context of the issues identified above, namely:

- whether or not the applications can be technically accommodated;
- the capacity of local infrastructure;
- the effect of approving the proposals on the character and setting of the village; and
- the level of local affordable housing need.

With the above in mind, it may be preferable to see the sites considered through a plan-led approach with the sites identified as allocations, if appropriate, through the Site Allocations and Development Management Policies Plan. Notwithstanding this, the responses made through the consultation on the respective planning applications could be used to make a similar judgment as would be made through the Development Plan with regards to the important considerations identified.

It should also be noted that both these sites would appear to be free from some of the technical constraints which may weigh against the identification of some other allocation options identified for the village.

Detailed policy considerations

Since application 14/12/0043 is in outline form, it is considered un-necessary to comment further in respect of this site. It should be noted that the Council's Green Infrastructure Study, part of the evidence base to the Council's Core Strategy, identified an 'opportunity' for the provision of a new green wedge to the east of the motorway. Given the comments of the Council's Landscape Lead, it does not seem that this 'opportunity' is likely to be pursued through the SADMPP.

Conclusions

Clearly these applications, if approved will go a long way towards determining the scale, distribution (and the case of the David Wilson application) and form of development in the village over the plan period. With this in mind, a key consideration should be whether or not approving these schemes would prejudice the outcome of the Site Allocations and Development Management Policies Plan.

To balance against this consideration is of course the NPPF and its 'Presumption in Favour', the Site Allocations Plan is technically 'absent' at this point, so in reaching a conclusion as to whether or not either or both applications should proceed, consideration should be given as to whether or not the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Representations

22 letters of OBJECTION on grounds of

- Primary school is oversubscribed with no funds to increase classrooms or employ teachers,
- need to ensure sufficient contributions for primary school to expand and plans for it within the timescale of the development,
- Hyde Lane is a narrow country lane and dangerous especially to pedestrians,
- Lane cannot be widened to accommodate increase in traffic,
- additional traffic and congestion,
- road layout in Hyde Lane is inadequate,
- cars parked on the road create a dangerous route, obstruct visibility, a daily evolving chicane, and this will worsen with other housing schemes,
- the drop off area is on the wrong side of the road,
- a danger for cyclists,
- improvement to secondary school route for children required,
- inadequate parking,
- will increase accident risk,
- new junction will cause loss of privacy and safety to property opposite,
- concern over traffic outside of the school and young people walking to the A38,
- will increase flood risk locally and field to be built on has been saturated since November and it could affect neighbouring properties in future,
- the existing pond does not seem to be working,
- 90 homes at Hollinsworth Park and with further proposals we are taking more than our fair share to detriment of village look and reputation,
- will lead to urban sprawl with loss of village atmosphere and impact on character,
- concern over impact on right of way,
- conflict between new road and footpath,
- a dedicated drop off point for the school, open space and a scout hut should not be an argument for granting planning permission,
- drop off point is unnecessary,
- as at 1/4/13 there were 18 empty properties in the parish and more should be done to bring these back into use,
- scout hut not needed,
- play area too close to attenuation pond and dangerous,
- site visible from Thorn Hill and Stoke Wood causing a visual impact,
- loss of view and value of property,
- if the scout hut is provided elsewhere this will mean more housing,
- the land next to the canal is to be community land but who is to maintain it,
- concern over noise from pumping station,
- Sewerage system cannot take further capacity,
- proper provision for access to adjacent track required,
- a secure fence adjacent to properties of Queens Down is needed,
- loss of privacy,
- brownfield sites and empty properties should be prioritised over new build.
- further housing should go to Monkton Heathfield.

Issues identified by the community through the recent consultation as part of the SADMPP

- The village is already used as a rat-run and congested with traffic, which is especially problematic along Hyde Lane/primary school.

- There are existing safety issues for children walking/cycling to Heathfield school.
- The primary school is already full. A new school or extensions are needed.
- The village is already experiencing flooding. Development will make matters worse. Particular problems were identified around Hyde Lane, North End and around St Michaels Road, towards the canal.
- There are insufficient services in the village to accommodate the growth
- There are enough houses in the village already and further development will erode the village character.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£47,479
Somerset County Council (Upper Tier Authority)	£11,870

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£284,874
Somerset County Council (Upper Tier Authority)	£71,218

DETERMINING ISSUES AND CONSIDERATIONS

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

Policy

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). Despite being in the open countryside, the application site is considered sustainable as it is close to the settlement boundary of Creech St Michael and has good access to a reasonable level of services and facilities including; primary school, doctor's surgery, shop, post office and pub.

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability, the Panel felt on balance the site meets the basic tests. However, the SHLAA conclusion does not prejudice or preclude the outcome of any planning application nor indicate that the site will ultimately be allocated through a future development plan document. From an allocation point of view, the site is being considered as part of the Site Allocations Document which follows on from the adoption of the Core Strategy. Although many would consider that a plan-led route would be most appropriate way for this site to be assessed, the application has been submitted and must be considered now and on its own merits in light of its sustainable location and policy guidance.

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

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

In this instance it is considered that the development plan is not totally silent as it recognises Creech St Michael as a sustainable location for development. However, it is considered to be silent on where any further sites will be allocated for residential development and the amount of development that should be accommodated. The policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However there are no such sites and those identified and consulted on, like the current proposal, lie outside of existing settlement limits.

The following sections consider the impacts of the proposed development.

Sustainable Development and Accessibility

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements with no size limit. The proposal is for 44 units and would comply with the above policy requirement. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal.

The site is therefore considered accessible and sustainable.

Landscape and Biodiversity Impact

The site is a sloping field bounded by hedgerows to the west and north and lies between the residential development and doctor's surgery to the east and fields to the west. The site will be visible from the residential properties to the east and north and from more long distant views from the south across the canal. The land falls away to the south and development of the site is limited to restrict development to the northern part of the field and thus limit the affect on long distance views. There is scope to enhance the existing planting to the west and south which is proposed and is in compliance with the Landscape Officer's view. It is considered planting to the south would help break up any long distance views of the new housing and would also be required to landscape the attenuation pond and would not lead to any harm in terms of landscape impact. The Canal and River Trust also consider there needs to be control over any lighting in proximity to the canal and a condition to address this is considered appropriate.

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

Community Issues

The County Education Officer recognises that there is a need for places and expansion of both the primary school in Creech St Michael and the nearby secondary school. As a result there is a request for appropriate monetary contributions to fund expansion in respect of both primary (£110,313) and secondary education (£110,814) and this would be secured by a Section 106 legal agreement. The County Council as Education Authority has also responded that the school can be extended without need for additional land.

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities should partly be provided on site. A play area can be provided on site and the provision for outdoor active recreation will require a contribution of £1434 per dwelling towards facilities off site. Such contributions would be index linked and secured through a Section 106 agreement.

In addition to the above there is a request for allotment provision, community hall facilities and public art. The applicant is willing to pay the appropriate contribution per house for allotment provision. The applicant is proposing to provide land for a scout hut and while provision is being made on alternative site, this potential site would still need to be secured through a legal agreement to give the scouts options. The siting of this on the illustrative layout is such that it would not lead to additional housing should this not go ahead. There is also a request for community hall facilities which should be open to everyone and public art. A suitable contribution. to secure this can also be secured through an appropriate wording in the legal agreement.

Affordable Housing

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 11 dwellings which will be secured through a legal agreement with a local connection clause to address the request of the Parish Council and ensure priority is given to local people in housing need.

Drainage

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which is an area of least risk. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system either directly or via a pumping station. Wessex Water has confirmed the existing treatment works has capacity and a condition to ensure an appropriate drainage strategy is recommended by Wessex Water and the Environment Agency.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. Initially this utilised a pond system to ensure existing greenfield run-off rates are achieved with a new outfall to the canal. This was objected to by the Environment Agency and the scheme was amended to link to Wessex Water storm sewers but with additional on site infiltration and storage capacity. The Environment Agency has withdrawn its objection to this revised scheme and recommends a condition to ensure an adequate strategy is provided on site. The Council's Drainage Officer concurs with this approach.

Access and Highway Safety

The access to the site lies off an existing adopted highway where there is adequate visibility in both directions given the road speed limit. The applicant is proposing a footpath link from the site to the existing residential development on Hyde Lane. The Highway Authority is satisfied with access and capacity of the road to take the additional traffic generated. A strong concern and potential objection is raised however in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and a number of objectors. The Highway Authority recommend contributions from this site to address the highway safety concerns and it is considered that this is a reasonable request which should be applied to this scheme. The contribution for improvements would amount to £1000 per dwelling and would be sought through a legal agreement. This would provide potential improvements to safety along the road to the west as set out in the Highway Authority response. A Travel Plan is also proposed by the applicant and this would also be secured through the legal agreement.

The Highway Authority recommend 15 conditions, however it is considered that a number of these are either unnecessary or unenforceable and consequently there are 6 conditions imposed in respect of visibility, highway details, parking, turning, footpath links and wheelwash facility during construction.

Other Issues

The receipt of the New Homes Bonus is noted, however it is considered that this matter carries limited weight in this instance.

Conclusion

The NPPF contains 12 core planning principles that underpin decision taking and the proposal has been considered against these and relevant development plan policies. The application is not genuinely plan led in that it pre-dates the small sites allocations document. However, it would deliver homes in a sustainable way and location and provide community benefits in terms of affordable homes, a scout hut site, contributions to leisure and community facilities and improvements to highway safety. It is considered that one of the most important considerations is whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits. I believe that the benefits outweigh any harm that may be caused in this rural location and therefore planning permission should be granted.

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

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