

DAVID WILSON HOMES SOUTH WEST

OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ATTENUATION POND, CHILDREN'S PLAY AREA AND FORMATION OF ACCESS ON LAND AT WINDMILL HILL, NORTH CURRY, AS AMENDED

Grid Reference: 331573.124823

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The proposal is considered to be prejudicial to highway safety as safe and suitable access for all (pedestrians) can not be achieved. The development is therefore considered to be contrary to Policy CP6 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028.
3. The residential units fronting Windmill Hill cannot accommodate adequate turning facilities to enable vehicles to enter and leave the highway in a forward gear, which is essential to highway safety. The proposal is therefore contrary to Policies CP6 and DM1 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028
4. The site due to its size and Greenfield nature, carries a risk of increased surface water flooding as a result of the development. This is due to an increase in impermeable area and also the creation of a formal drainage

system, which will direct flows to watercourses and likely increase volumes of surface water from the site. The submitted Flood Risk Assessment, and various negotiations since, have not adequately demonstrated that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. Given the historic issues of surface water flooding in North Curry, this is an unacceptable risk to both life and property. On this basis, the application is therefore contrary to the National Planning Policy Framework, particularly section 10 (Meeting the challenge of climate change, flooding and coastal change) and the Taunton Deane Adopted Core Strategy Policies CP1 (c & f) [Climate change] and CP8 [Environment].

5. A landscaping reason if the current negotiations cannot be satisfactorily concluded.
6. The proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

Notes to Applicant

- . Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

PROPOSAL

Planning permission is sought, in outline, for a development of up to 45 houses, together with associated infrastructure, including a Sustainable Urban Drainage attenuation pond, a children's play area, and a new access into/out of the site off Windmill Hill. Access forms part of the proposal, but considerations of appearance, landscaping, layout and scale, are reserved for future consideration. A feasibility study has been submitted giving an indicative layout for the site. This shows a mixture of detached, attached, semi-detached and terraced properties, some with garaging and some with forecourt surface parking.

The proposal shows a spine road entering the site off Windmill Hill and traversing the site in a southerly direction. There is a further access road and separate pedestrian movement channels located off this. The eastern edge of the site shows a strip including a formal public footpath which would replace the existing unmarked right of way. The feasibility study shows links through the allotments and the recreation ground to link through to Greenway, but this has not as yet been agreed

with the land owner. The south-eastern part of the site includes a children's play area and an attenuation pond. Boundary hedging is indicated and includes a 5 metre landscape buffer zone to the western boundary. However, the submitted layout is clearly only a feasibility study to illustrate that the proposal would be feasible, as all matters except access are reserved for future approval.

The application includes a Design and Access statement, a Historic Environment Assessment, an Ecological Appraisal, a Flood Risk Assessment, a Landscape and Visual Impact Assessment, a Planning Supporting Statement, a Community Involvement Statement, Transport Statement, a Travel Plan, and an Arboricultural Constraints report.

SITE DESCRIPTION AND HISTORY

The land is currently a single agricultural field on the edge of the existing village, It is currently bordered on all sides by hedgerows. The field has access onto Windmill Hill via an existing gate in the north-eastern corner of the site. To the north of the site lies Windmill Hill, which has sporadic development at this point, including the listed Baptist Church. On the eastern boundary lies the modern development of Portmans, the allotments and the recreation ground. immediately adjacent to the southern boundary lies an orchard. The western boundary is the shortest and marks the boundary between this site and open countryside beyond rising up to Borough Post.

There is no planning history for this particular site, but Members should bear in mind the two applications for residential development at 30 units at Overlands (24/13/0032) and 6 units (revised to 5) at White Street (24/13/0036), both of which were refused at Committee on 4th September.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PLANNING POLICY TEAM - The application site is situated outside the existing settlement limit in open countryside. Hence the proposal is not consistent with the adopted Taunton Deane Core Strategy Policies CP8, SP1 and DM2.

North Curry is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements across the five minor rural centres over the period up to 2028 as a total allocation of at least 250 new net additional dwellings to be made through the Site Allocations and Development Management DPD. In line with the adopted TDBC Core Strategy, new housing development 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. Affordable housing will be in line with adopted Core Strategy Policy CP4 and proportionate to the settlement.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the

Council is in the process of progressing the Site Allocations and Development Management Policies Plan (SADMPP). The Council published an Issues and Options document for the SADMPP in January 2013 and a public consultation event took place in North Curry on the 30th January 2013. The Council is currently considering all 15 sites promoted in North Curry and this process will result in preferred options being chosen. The matter has recently been debated at the Local Development Framework Working Party, the results of which are due to be made public towards the end of October. These 'preferred options' will then be the subject of further public consultation.

Given the number of sites currently being considered, the sensitivities about development in North Curry and the fact that the SADMPP will be subject to extensive community engagement prior to adoption, it would be preferable to deal with this site through the SADMPP. This will ensure that the Council arrives at the most sustainable option(s) to meet the requirements of policy rather than pre-empting of the Plan-led process. For these reasons the current proposal is contrary to Policies CP8, SP1 and DM2 of the Core Strategy and should be resisted.

NORTH CURRY PARISH COUNCIL - Object on a number of grounds.

Prematurity - , the emerging site allocations plan is about to determine which sites in the rural centres will form part of the approved land allocation for housing development. Granting permission now (which could remain dormant for up to three years) could prejudice achievement of the council's strategic planning objectives.

Size, position and composition - A development of this magnitude is totally disproportionate. The Inspector at the 2003 Local Plan inquiry said that even 30 dwellings would comprise a significant development and would be inappropriate in this rural location. Whilst the development is adjacent to an earlier estate it projects well outside the natural bounds of the village and does not assimilate well. It will be urban in nature and not in keeping with the character and setting of the village as a whole. The site is larger than accepted in TDBC's latest Strategic Housing Land Availability Assessment. There are too many houses for the site, a density of nearly 24 dwellings per hectare. This level of housing density is high given a village setting with high landscape impact and low levels of public transport, services and infrastructure. The application form shows the development is fort is not clear how the affordable dwellings will be allocated in relation to local needs or local connection to the parish. No phasing indication is given; phasing should be in line with the parish council's requirement to meet local housing needs as they arise over the plan period.

Visibility - Of all the potential housing sites under consideration, development at Windmill Hill would be the most intrusive visually, especially the upper part of the site as seen from vantage points within the village. The site is large and sits high on the western side of the village, visible from several directions and from quite a distance, including the Fivehead ridge to the south. Just a few years ago Taunton Deane spent many thousands of pounds clearing a gypsy encampment of twelve caravans and associated structures only 400m to the south-west of this site. The proposed development would be just as intrusive. The development will also be the first thing seen on entering the village down Windmill Hill, obscuring views currently enjoyed across West Sedgemoor, totally changing visitors' perceptions of North Curry from one of a pleasant rural community to one of an over-developed village.

It would also have a considerable detrimental effect on the setting of the North Curry Baptist Church, a Grade II listed building.

Landscape and design - There are other sites within or close to the village that would have considerably less landscape impact. The entire site is prominently visible at Borough Post and sits at a higher level than the road on the main approach to North Curry. No attempt has been made by the applicant to visualise the impact of housing on the village approaches. We would ask that the committee should make a visit prior to a decision being made and that the developer should erect a sufficient number of poles to indicate the ridge height of the development. It would be essential to conform to the historic development pattern of housing and protect the landscape and townscape setting of the village and its conservation area status. The detailed site layout should be planned and assessed using Building for Life recommendations produced by the Home Builders Federation.

Traffic and pedestrian conflict - Proposals for the separation of vehicles and walkers on Windmill Hill are wholly unacceptable. This site is on the busiest road out of North Curry which in part between the site and village centre is too narrow for HGVs to meet and pass safely and along which there is no continuous pavement. Given traffic speeds at the edge of the village, the “virtual footway” painted onto the road surface – even with traffic calming humps - would offer little protection to pedestrians. The Windmill Hill site itself has poor pedestrian and vehicular access. Proposed road access is by a T-junction onto Windmill Hill. The plan shows three additional vehicular entry points lower down Windmill Hill for parking and garaging access. Compared with the Deane and nationally, car ownership in the parish is high at 1.7 vehicles per household, with almost half the households having access to two or more vehicles. This implies an increase of more than 76 private cars or vans parked and using the estate road, plus visitors, delivery and service vehicles; all these would emerge onto Windmill Hill. Such an increase cannot fail to impact on traffic and road safety and the condition of road surfaces in the village. Public transport provision is poor, with only six buses a day into Taunton, none in the evenings or on Sundays. A development of this size will cause a noticeable increase in traffic along the road through Lillesdon to the A378 and A358 to the west, and also through the village centre towards the A361 to the north.

Sustainability - We believe the cost to the public purse arising from this development is likely to be greater than the benefits to the developer, and far in excess of public income that would be achieved from any legal agreement, future community infrastructure levy, new homes bonus or council tax receipts. These costs relate especially to flood prevention, drainage and sewerage and impact on the school and health centre.

Flooding - The applicant's flood risk assessment was carried out using superseded Planning Policy Statement 25 (Development and Flood Risk) on an earlier scheme with only 35 houses and allotments at the western end. The danger of run-off from springs and sodden fields flooding the development and continuing into the village should be assessed for the larger scheme now proposed using up to date evidence, in particular potential surface storm water flow through Portmans and along Windmill Hill and Greenway. The applicant should provide assurance that a surface water disposal system can be designed using sustainable urban drainage systems to reduce the likelihood of uncontrolled discharges downstream. Whilst it is noted that an attenuation pond is included in the application, there are fears that it is inadequate for the size of the development and will not be properly maintained in

the long term so resulting in further worsening of the flooding which occurs through the village centre and beyond.

Village school - Whilst a development of this size might produce roughly 10 extra pupils for the local primary school and these might be successfully integrated, it must be noted that the school currently has six classes three of which are housed in woefully inadequate “temporary” structures, at least one of which has been on site since the school was opened in 1988. Should this development go ahead, a sum of money should be provided by the developer specifically for North Curry Primary School, sufficient to replace the three temporary classrooms with permanent accommodation.

Play facility - Satisfactory arrangements would need to be agreed with the parish council for the upkeep and management of the play areas and continuation of the footpaths beyond the site boundary into the village. The Parish Council would not be prepared to accept future liability for maintenance and management of any open spaces or play equipment. Further thought should be given to whether it is sensible to locate a children’s play area adjacent to the attenuation pond for flood relief.

SCC - TRANSPORT DEVELOPMENT GROUP -

Traffic Impact:

In terms of trip generation vehicle trip rates are estimated at around 40 movements per peak hour (see para 5.11). Based on the 2001 census data it has been estimated that the majority of traffic would use Windmill Hill, with around a quarter using Moor Lane and a small number on Stoke Road. This is considered to be reasonable by the Highway Authority. It is not considered that the traffic impact can be considered ‘severe’ in terms of paragraph 32 of the National Planning Policy Framework (NPPF). The site access would operate within capacity and the proportional increase on the local highway would be relatively small.

In regards to the sites accessibility the report concludes that “adjacent transport network is conducive to journeys by foot”. This is at odds with the actual description of pedestrian facilities which shows that there is no paved footway from the site to the village; as it stands there is an (unpaved) public footpath to Greenway or the use of Windmill Hill, both of which then require ‘shared use’ of the highway. On Windmill Hill in particular traffic speeds are high despite the speed limit. It is proposed that some form of pedestrian facility will be provided, either in the form of a ‘virtual’ (dropped kerb) footway or a priority narrowing arrangement allowing for a footway alongside a single track section of road. Either option would include traffic management to reduce traffic speeds. The TS provides no discussion of the suitability of the surrounding network for cyclists and only provides identification of the distances to local villages.

One bus service is identified with a two-hourly service Monday-Saturday. Such an infrequent service, whilst helpful for a small number of people, is considered unlikely to be significant factor to discourage the use of the private car. The local bus stop is within a ‘hail and ride’ section of the route. Care should be taken to ensure that the pedestrian facilities provided allow for ‘hail and ride’ at an appropriate location adjacent to the site and do not make it more difficult for buses

to stop safely.

It is noted that car parking will be provided as per Somerset County Councils Parking Strategy. This is considered to be acceptable, however the indicative drawing appears to show approximately 100 spaces (this includes garages), where as the application from indicates there will be approximately 90 spaces. The Design and Access Statement indicates a range of two to five bedroom units. Assuming that there is a fair mix across the different sizes of dwelling then the Parking Strategy would indicate that the required level of parking would be closer to 150 spaces. The applicant will therefore need to prove that they are able to meet Somerset County Council's Parking Standards.

Travel Plan

It is noted that the T.P. is deficient in the following issues.

- The site audit requires more detail.
- Action Plan requires more details for all measures and should include a Site Specific Travel Information Leaflet and a Smarter Travel Management fund.
- The baseline and targets have not been set correctly.

Any Travel Plan will need to be secured via a S106 agreement.

Estate Roads

The proposal will require the creation of a new access onto Windmill Hill the applicant should note that allowances shall be made to resurface the full width of Windmill Hill where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. The access will need to incorporate junction radii of 6.0m and the first 10m of the access road, as measured from the edge of Windmill Hill, shall not exceed a gradient steeper than 1:20 and provide visibility splays of 2.4m x 43m in either direction with no obstruction that exceeds a height greater than 300mm. It is noted from the indicative drawing that there is three additional accesses proposed onto Windmill Hill.

The applicant should note that the Highway Authority would not wish to see any additional points of access onto Windmill Hill. The indicative layout plan shows private vehicles accesses onto Windmill Hill, which would be in addition to the main junction into the development. The access arrangements are to be agreed as part of this proposal and not a reserved matters stage. If it is the intention to retain these private accesses as shown on the submitted plans then this would be a cause of concern to the Highway Authority as Windmill Hill is designated as a Classified Un-numbered highway as a consequence each residential unit gaining access onto it would need to provide turning facilities to allow them to leave in a forward gear. From the details submitted this does not appear to be the case, and as a consequence it would result in vehicles having to reverse onto Windmill Hill which would be to the detriment of highway safety of other road users. Therefore the Highway Authority object to this.

Turning to the internal layout the applicant should be aware that it is likely some parts of 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). To satisfy APC legislation, an adoptable

footpath link should be provided to serve the six dwellings immediately to the west of the Attenuation Pond. This equally applies to the seven dwellings located to the north of the parking court within the eastern portion of the application site.

Somerset County Council, as the Highway Authority, current policy is that only two dwellings can be served via a private drive. There are a few locations within the site layout where this number has been exceeded and as a result, the APC legislation will apply. The applicant would need to ensure that no more than two dwellings are served via a private drive.

Off Site Highway Works

As part of the submission the applicant has submitted three plans showing proposed off site highway improvement works to mitigate for the effects on the anticipated traffic impacts along Windmill Hill. The Highway Authority would require the applicant to specify which of these schemes would be their preferred option. Without knowing which option is preferred by the applicant the Highway Authority has carried out a Safety and Technical Audit on all three of the proposals.

The applicant has proposed either a virtual footway or priority narrowing on Windmill Hill. The Highway Authority has highway safety concerns over the proposals shown on the submitted plans. In terms of the virtual footway the Highway Authority is concerned over the potential conflict between vehicles and pedestrians. This is especially heightened as the 85th percentile appears to be over the designated speed limit. In addition the Highway Authority has concerns over the speed of vehicles and their interaction with the proposed traffic calming measures i.e. traffic calming hump.

Conclusions & Recommendation

To conclude although the proposal is for outline permission there are a number of points the applicant will need to address as part of any further submissions. The Travel Plan is considered to be substandard and will need to be revised. In capacity terms there are not sufficient grounds to raise objection to this proposal. However there are concerns over the proposed pedestrian facilities and how they will interact with vehicles on Windmill Hill. These concerns are echoed in the Safety and Technical Audit Report where there are particular concerns over the proposed virtual footway.

As a consequence the Highway Authority raises objections to this proposal on the following grounds:

- The proposal is considered to be prejudicial to highway safety as safe and suitable access for all (pedestrians) can not be achieved. The development is therefore considered to be contrary to Policy CP6 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028.
- The residential units fronting Windmill Hill cannot accommodate adequate turning facilities to enable vehicles to enter and leave the highway in a forward gear, which is essential to highway safety. The proposal is therefore contrary to Policies CP6 and DM1 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028

ENVIRONMENT AGENCY – object

We object to the proposed development because we consider that the submitted Flood Risk Assessment (FRA – prepared by Healer Associates and dated May 2013) does not adequately demonstrate that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. The application is therefore contrary to the NPPF and Taunton Deane Adopted Core Strategy Policy CP8. The application site is located in Flood Zone 1, defined as being at a low risk of fluvial and tidal flooding. Due to its size and Greenfield nature, there is a risk of increased surface water flooding as a result of the development. This is due to an increase in impermeable area and also the creation of a formal drainage system, which will direct flows to watercourses and likely increase volumes of surface water from the site. Taking the above into account, we are not able to accept that restricting surface rates back to Greenfield levels will ensure that surface water flooding is not exacerbated. This measure alone will not address the issue of increased volumes, and does not take account any restrictions that may be present in the receiving watercourse. In order to address the issue of increased volumes of surface water run-off, we consider that surface water run-off rates should be restricted to 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year event. The drainage calculations would need to be revised on this basis to demonstrate a (larger) required attenuation volume on site. A plan showing this feature would also need to be provided. We agree with the comments of your Drainage Engineer that more information needs to be provided to demonstrate a positive drainage link to the Sedgemoor Rhyne network. Given the historic issues of surface water flooding in North Curry, investigations should be undertaken into the capacity and location of the receiving ditch, and its route downstream, to make sure that the drainage system operates effectively. We would also support any proposals to improve the surface water drainage system in North Curry as part of the development which would be entirely in the spirit of the NPPF and Policy CP8. The Additional points, in respect of existing site features which may affect the drainage of the development and maintenance, made by your Drainage Engineer should also be addressed to ensure that there is no increased flooding on site or elsewhere as a result of the development.

Further views of E.A. (submitted 4th October)

We uphold our previous objection on similar flood risk grounds to those set out in our previous letter. The new FRA goes some way to try and address our concerns. There is a commitment to reduce surface water run-off rates to 5l/s which, although not as low as our recommendation, would offer an improvement on the existing run-off rates. However, we would only be able to agree to a rate of 5l/s if on-site measures to improve interception of surface flows (i.e. improving storage and slowing conveyance of flows such that they pond more on site and are given a better chance of infiltrating or evaporating) are explored and committed to. We would also expect to see SuDs such as ponds and swales (which offer multiple sustainability benefits and reduce maintenance issues) being used rather than tanks. We cannot reasonably see why this cannot be achieved since the site is a relatively unconstrained Greenfield area.

Also, we are not convinced that the issue of increased surface water volumes coming from the developed site have been addressed. Our principle issue that

remains outstanding is that we do not know the route and capacity of the ditch that will receive surface flows from the site once it leaves the site. We do know that there is an existing surface water flooding issue down gradient of the site in the village centre. Are existing flows from the site contributing to this flooding? What are the causes of the surface water flooding? If so, what will the impact of developing this site be on this flooding issue? The applicant needs to make sure that the ditch is fit for the purposes of taking surface flows from a major residential development and check the impact of added volumes of water within this system.

It is worth noting that a similar approach was taken for application 24/13/0032 (Overlands, North Curry) and off-site investigations were conducted. This found deficiencies within the existing surface water network (that would have been used to serve the site) which were proposed to be rationalised and improved as part of any permission granted.

WESSEX WATER -

Final observations awaited

DRAINAGE ENGINEER – Objects on the following grounds –

- No positive links to the Sedgemoor Rhyne network despite references in the FRA
- Not clear that sufficient land away from the proposed houses would be available for the attenuation pond
- Reference is made to an earth embankment on the western boundary, but no details are given on status or ownership
- No porosity tests have been carried out and infiltration methods will not be appropriate.
- Details of the physical methods (referred to) to prevent overland flows need to be submitted and agreed.
- The landscape bund referred to in the south of the site. Who will be responsible for this.
- No development should be commenced until a full operations and maintenance strategy has been submitted and approved.

It is understood that these issues are currently being negotiated.

HOUSING ENABLING –

25% of the new housing should be affordable (60% social rented and 40% intermediate housing). Houses rather than flats. Should meet Homes and Community Agency Design and Quality Standards 2007 with at least code for sustainable homes level 3 or equivalent. The housing association tied units should be provided from the Council's affordable housing development partners list.

LANDSCAPE - Has concerns on the following issues –

- This is a major route into the village which the development will detrimentally

- impact in terms of landscape;
- loss of open countryside;
- loss of frontage hedgerow;
- loss of amenity from public footpath running on the east of the site

Negotiations are continuing to see whether or not the landscaping issues can be overcome. These have not been concluded at the time of preparing the report. Members will be updated.

LEISURE DEVELOPMENT - Requires a developer contribution to cover the following matters -

- Children's play - Reasons that it should not be an on-site provision and suggests £2904 should be given for every 2+ bed property and the money put towards improving the existing village play facility
- Outdoor recreation - £1571 per dwelling
- Allotments - £209 per dwelling
- Community Halls - £1208 per dwelling
- Public art (by commissioning or integrating into the design to the value of 1% of development costs.

BIODIVERSITY -

Accepts the findings of the ecological appraisal and suggests that if approval were to be granted, standard wildlife conditions and informatives should be used

SCC - RIGHTS OF WAY -

Confirms that a public right of way is recorded on the definitive map and any proposed works must not encroach on the width of the footpath.

NATURAL ENGLAND –

Statutory nature conservation sites – no objection

This application is in close proximity to the North Curry Meadows, West Sedgemoor and Curry & Hay Moors Sites of Special Scientific Interest (SSSI). Curry & Hay Moors SSSI forms part of the Somerset Levels & Moors Special Protection Area (SPA). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Somerset Levels & Moors SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the North Curry Meadows, West Sedgemoor and Curry & Hay Moors SSSIs have been notified. We therefore advise your authority that the North Curry Meadows, West Sedgemoor and Curry & Hay Moors 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(1) of the Wildlife and

Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

Bats and Dormice - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats and dormice. For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species. The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the '*Favourable Conservation Status*' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Local wildlife sites - If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and

contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

SCC - EDUCATION -

Primary provision

Our rule of thumb (agreed with all Somerset District Councils) that 150 dwellings of whatever mix yields 30 primary-aged children indicates that 30 dwellings would yield 6 primary aged-pupils.

The Net Capacity of the school is currently 149 based in five classrooms, with a sixth classroom “netted off”, i.e. excluded from capacity. This classroom is housed in a poor condition (category “C”) temporary building which we are proposing to remove without replacement when it becomes a “D” condition. (All three of the temporary buildings on site will be re-surveyed in the Autumn). Depending on the timing of any new housing, and the rate of deterioration of the temporary building, this building may or may not be available as additional capacity in the future.

The Number on Roll at the Primary School at the October 2012 Census was 135 and our current forecasts indicate a slightly declining roll through to 2017. However, First Admissions (FAd) for September 2013 are higher than predicted in the forecasts (19 actual against 14 forecast) and so I have adjusted the Forecast accordingly:

Sept 2013 = 129 +5 FAd = 134
2014 = 127 132
2015 = 124 129
2016 = 124 129
2017 = 119 124

Nonetheless, on the basis of the current Net Capacity and the adjusted forecast pupil roll, the potential additional pupils arising from dwellings could be physically accommodated within the present capacity of 149 without the need to add a classroom. However, there might be an organisational challenge for the school should there be disproportionate numbers in different age groups.

Secondary provision

For secondary, our rule of thumb is that every 210 dwellings of whatever mix will yield 30 secondary-aged children. The catchment school is Taunton Heathfield which is consistently oversubscribed and is forecast to continue to be so. We would, therefore, be seeking financial contributions towards the provision of additional places based on the most recent DfE cost multiplier of £18,469 per place.

Early Years provision

Provision of places for 3-year olds and some 2-year olds is now a statutory

requirement and where there is insufficient capacity at existing providers, we would seek developer contributions towards expanding those places.

SCC - FLOOD RISK MANAGER -

I wish to object to the above proposals on the grounds that the Flood Risk Assessment submitted in support of the application is grossly inadequate and does not adequately demonstrate that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. Section 1.3.2 of the FRA refers to PPS25. This was replaced by the Technical Guidance to the NPPF over 12 months ago. The FRA also fails to refer to W5-074/A Preliminary rainfall runoff management for developments as the current industry standard for calculating runoff and storage. Section 3.1.3 refers to an earth bank that prevents flow from uphill entering the site. Can this bank be relied on to remain effective for the life of the development?

Section 3.2 states the underlying geology is 'unlikely to be suitable for soakaways and infiltration systems' and yet goes on to say it is a minor aquifer, indicating there is some porosity. Tests should be carried out to determine the feasibility of soakaways. Section 4.1.1 shows the FRA was written for a different site layout with only 35 houses whereas the current application is for 45. All calculations relating to runoff will therefore be incorrect and it may not be feasible to provide the storage volume required to attenuate the runoff from the site. Section 7.1.1 refers to the Sustainable Drainage Approval Body (SAB), but Sch3 of the Flood and Water Management Act has not commenced so the SAB does not yet exist. Section 7.2.3 states runoff will be limited to Q_{bar} for all events up to 1 in 100 years but makes a fundamental error in calculating the post development runoff by excluding the permeable area of the developed site. Section 7.3.1 The FRA should demonstrate through test results whether soakaways are feasible. Section 7.4.1 The storage volume has not been calculated in accordance with W5-074/A and with no attenuation of runoff volume, outflow should be restricted to 2l/s/ha as requested by the Environment Agency in their response. No evidence is given that the discharge point is capable of accepting the outflow from the site. The survey drawing shows an invert level in the ditch of 34.33m and yet 'downstream' the level has risen to 34.97m and shows no continuation of the ditch. Thus the storage area will not drain properly between events and any outflow that does occur could flow overland to Greenway and then down the road and into the village, adding to the flooding problems.

Representations

Cllr. Edwards has specifically written in his capacity as Executive Councillor for Planning. He wishes this following opinion to be taken into account. *"There are a significant number of sites being considered across the Borough many of which will not be allocated but have to be considered as part of the SADMPP. The Council undertook the initial "issues and options" consultation earlier this year and has recently published for consideration the additional potential sites consultation and it is now for the Council to consider its "Preferred options" in the Autumn which will then need to be fully consulted on before being finalised in advance of being*

inspected and then finally adopted. There have been a number of planning applications submitted recently, which I consider are premature to that process and I would strongly suggest that these applications are refused so that the engagement can take place with the community to therefore arrive at the most sustainable and appropriate plan which relates to the size and need of the community."

WARD MEMBERS -

Representations have been received from the 2 Ward Members, and their opinions are not in favour of the proposal. The views they have expressed can be summarised as follows:-

- North Curry Parish Council have recently produced a Parish Plan with a 27% return on the consultative process. The conclusions are that the number of new build houses should be nearer 30 than 50;
- The application offers no acceptable solution for all road users. Traffic often breaks speed limit on Windmill Hill and this is the section where the 'virtual footpath' is proposed;
- There are very few employment opportunities in N. Curry. This will lead to commuting to Taunto which is an unsustainable model;
- The parish wishes to see a phased approach to new housing so that the physical and social environment can adjust slowly. The developer wishes to build in as short a time as possible;
- The proposal would constitute a 20% increase in the village community and this would put social cohesion at risk;
- The developer is not prepared to recognise current flooding problems and more non porous materials will increase surface run-off thus exacerbating the flood risk;
- The development will overwhelm the visual environment severely detracting from the conservation area in the centre of the village. The design needs to be more locally sympathetic and not using standard national designs;
- There is a need for adequate social housing which this scheme does not address;
- The inclusion of allotments has been removed and needs to be reinstated;
- The school wouldn't cope and the development would need to fund improvements at the school;
- This is a very prominent and elevated site, and views across across West Sedgemoor to the woods would be lost;
- The scale density and design of this typical Barrett Homes scheme will be totally out of character with the older parts of N. Curry;
- The developer has shown no recognition of the work which the Parish has done;
- The site is not large enough to provide the massive water retention pond which might solve the problem of flood risk and flooded houses;
- The proposal for virtual pavements is just not credible. People would use their cars to access the village facilities and this is not sustainable;
- Lack of compliance with the village plan.

201 representations have been received in connection with this application. Of these, 196 were representations not in favour and OBJECTING to the proposal. The views expressed against the proposal can be summarised as follows:-

Flooding issues

- Being on such high ground the surface water from the site runs off into the main

road through the village. Putting more non-porous materials on site will speed up this process.

- The Flood Risk Assessment (FRA) states that it relates to a development of 35 houses, but the application is for 45.
- If the application is approved it would be an act of negligence on the part of the Council unless substantial measures are taken to deal with the continual flooding problems in Broad Lane and the land drainage system which flows from it is drastically improved prior to any new development contributing any additional water run-off.
- The existing drainage network in North Curry will be unable to cope.
- A water holding scheme cannot replicate the very slow run-off that the site has at present while it is agricultural land.
- A small attenuation pond cannot possibly be enough to stop further flooding when miles of moorland cannot stop flooding disruption to the village. Is it adequate?
- The paving and house building in a large development would create run-off which could cause flooding to homes and businesses in the centre of the village.
- If the attenuation pond overflows, the houses in Portmans adjacent to the new pond will get flooded.
- Lack of maintenance of the flood attenuation pond (e.g. de-silting) would have potentially disastrous results.
- Who will maintain the pond.
- All developments should be put on hold until assurances can be provided that surface water drainage is upgraded.
- If, after completion of the development, properties suffer flooding and damage, isn't it reasonable that Taunton Deane should be culpable?
- The Flood Risk Assessment states that 9 allotments are to be provided, but the allotments are not now part of the proposal.
- The proposed pond would affect the water table in the existing allotments as well as being a danger to children.
- The site is not large enough to provide a big enough attenuation pond.

Highways and transportation issues

- Traffic leaving the centre of the village accelerates to well above 30mph on the straight section of road and this would coincide with where the 100 plus additional vehicles would be joining Windmill Hill.
- Recommending a virtual pavement on a road where traffic travels at 40 mph. is a recipe for accidents.
- Lack of footpaths and excessive speeds on Windmill Hill will put residents safety at risk, especially children walking to school.
- There is no opportunity to provide for safe walking routes through the village, primarily due to the lack of pavements.
- Would result in a significant increase in traffic using the already congested and over-used A358 via Henlade, accessing it via the narrow North Curry/Thornfalcon Road.
- The development is too far from employment and secondary education and will result in increased car use and congestion making it unsustainable.
- There is no double track road from North Curry to Taunton at times of flood.
- The site would need a splayed junction to access on to Windmill Hill as emerging cars turning out slowly up the hill would be a hazard.
- Would like to see the developer or the Council introduce traffic calming measures to make the road safer if this development is to proceed.

- Traffic calming and virtual pavements do not alter the nature and safe capacity of the access roads to the village.
- Lack of footpaths is a key measure of sustainability.
- A large increase in commuters and other vehicles would cause difficulty with safe entry onto the road.
- The development does not support the need to reduce travelling, unnecessary use of cars nor does it encourage the use of public transport.
- There is a very infrequent bus service to North Curry.
- There appears to be a 30% shortfall on parking spaces on the plans, and the developer should identify how this will be addressed.
- The existing public footpath (north-eastern boundary) could be extended to provide direct pedestrian access to the village facilities.
- Traffic congestion would be intolerable, given that it is already a real problem.
- Has the Council commissioned a projected traffic census including ban origin/destination forecast, peak flow and congestion analysis.
- Will we need street lights? The parish took the decision many years ago that it did not want the village lit up like a beacon.
- The traffic counts taken in April are fictitious because agricultural vehicle movements treble during muck spreading (winter) and harvest (late summer) times, and when Moor Lane (to Lyng) is flooded an extra 1,800 vehicles use Windmill Hill per day.

Visual and amenity issues

- Being the most dominant and prominent site near the village, this development will overwhelm the visual environment severely detracting from the conservation area in the village centre.
- The site is more than a metre above the level of the road.
- David Wilson Homes have no intention of modifying their widely used standard designs to a more widely used standard design reflecting the local vernacular and scale.
- The modern style of buildings proposed will be at odds with the mixed and traditional architectural styles that currently dominates.
- Would have a severely detrimental impact on this conservation village that is considered an “outstanding heritage settlement”.
- The site is on rising ground, visible from almost all the village, it will be an eyesore to all.
- The houses are two and three storeys tall and very cramped, totally out of keeping with any other development in the village.
- It is on the main approach to the village and would have a severely negative impact on the landscape, fields and hedges being replaced with suburban development.
- Loss of amenity to user of the footpath.
- The impact of this development on the landscape has not been clearly explored.
- The photographs in the landscape appraisal were taken during a wet period in April which gives a deliberately unappealing impression of the site and its surroundings.
- The landscape setting of the village is an important part of the character of a rural village.
- The development would be visually intrusive.
- The development will require street lighting which would change the nature of the village forever.
- More development would ruin the quaint characteristics of this small rural village.

- Any such proposal on the main entrance to this conservation village will fundamentally degrade its ambience and visual character.
- The site is in an elevated position above the existing village.
- Heavy landscaping to screen the houses would lose the views.
- While this application is in outline, there can be little doubt that if approved, the final design would comprise the standard house types which the developer has built throughout the region.
- The houses would dominate the village and the suburban appearance would affect the character of the conservation village.
- People do not want to live in the countryside and this village in particular, or come on holiday to the area, to be crowded into a high density urban style giant housing estate.
- The proposed site is too prominent and would destroy the spectacular view across the landscape on approaching from Windmill Hill.
- The very idea of imposing such a monstrous sore on the face of a country village is outrageous, and would amount to environmental vandalism.
- Such a large block of modern housing built so close to the village centre would overwhelm the existing character of the place.
- North Curry Ridge is a special landscape feature. Views of the ridge from the north will be significantly affected by the development in contravention of the Council's planning policies EN11 & EN12.
- The town house style is not in keeping with this conservation village. 3 storey high houses will not blend in with the rest of the houses on Windmill Hill.
- We do not want a Bishops Lydeard style distortion of North Curry.
- Such a proportionally massive, urban style development would be out of keeping with the scale and character of this historic village, and would irrevocably alter and undermine its longstanding rural character, to the detriment of all.
- This village should be protected at all costs from urban sprawl.
- the development would spoil the skyline, creating another legoland estate!
- These suburban style houses would spoil this attractive rural approach to our conservation village.
- Many of the houses on Windmill Hill front on to the carriageway. A virtual pavement would invade the privacy of these residents.
- If granted the houses must not be more than two storeys in height.
- The final design would inevitably comprise the national house builders standard house types which would be total out of character with the older parts of North Curry Village.

Planning policy issues

The application shows no recognition of the principles laid out in the Parish Plan and endorsed by a majority of parishioners who responded.

- The site is not sustainable because limited employment opportunities in the village will mean people having to travel further afield for work.
- All the proposed development sites in North Curry are Greenfield. Losing them is a loss of agricultural land.
- We expect Taunton Deane to follow the intent of the new Localism Act and not allow a rush of unwelcome development merely because the precise provisions of the Act have not yet been defined.
- The land is currently prime agricultural land and the proposal does not comply with the Core Strategy policy CP8 (Environment).
- There is a clear need for a comprehensive village plan. If the Council cannot accept the parish plan, they should put resources into a plan they can accept.

- We need a comprehensive response from Taunton Deane Council as to why the Parish Council's plan have been ignored or at least why it is not viewed as appropriate.

Capacity issues

- There should be a phased approach to new housing to allow the social environment and infrastructure to adjust slowly.
- Such a large development would put the social cohesion of the village at risk.
- The village school and health facilities are already stretched.
- The housing proposed is too dense and the rate of development too fast.
- The village is already at full capacity. More people would ruin the quaint characteristics of this small rural village.
- The school could not cope with excessive amount of new pupils.
- North Curry can provide its quota of housing without this land.
- There is no additional infrastructure proposed to support such rapid growth.
- Any village development should be in keeping with its innate organic growth.
- Concentrating development in a single large scale expansion would mean that local services did not have the time to adjust or respond to increased demand.

Biodiversity and wildlife issues

- There is no proposed provision of allotments or wildlife land on the plan.
- It is not obvious from the ecological report and documents what is being proposed to mitigate habitats that are lost and encourage more wildlife.
- Need independent expert confirmation that bats will not be disturbed by development on open land.
- There is a loss of a considerable length of hedge which affects both the habitat for wild animals (there are bats in the area) and the appearance on entering the village.

Social Housing

- The application is not committed to the provision of social housing to rent.
- There is no provision for Housing Association involvement from David Wilson Homes.
- There is no indication that the applicant will provide rented housing which is the only option to meet the needs of the locals who cannot afford to buy.
- The application form shows the development is for all open market houses, though supplementary documents indicate a 25% allowance for affordable housing.

General and other issues

- We expect the Borough Council to protect the village and request that democracy is taken into account as the majority of North Curry residents have valid concerns.
- The sewage system is barely adequate for the village at present. Any overflow would cause a pollution incident.
- The proposed development will overwhelm the village.
- The village would turn into a sprawling suburb of Taunton.
- To place the proposed attenuation pond next to a children's play area is insane as it would be a safety risk to village children.
- The consultation undertaken by David Wilson Homes was fundamentally flawed (short response time, 78% against it).
- I don't understand why a development this large is thought suitable for a village

of North Curry's size and location.

- A crisis is coming that will destroy short and long term relationships between North Curry inhabitants and the planning function of Taunton Borough Council.
- It is outrageous that the sensible and proper parish plan for housing development has been so blatantly ignored.
- A development of 45 houses (bigger than many rural Somerset villages) is much too large and disproportionate in scale and character to that of our village.
- Barretts are a national company whose only interest is profit - the result will no doubt be suburban housing in a style quite unsuitable for North Curry.
- The development is entirely inappropriate.
- The proposal does not reflect local priorities and aspirations and will not deliver real benefits to our community.
- The parish plan has called for phased building of small scale developments to balance retention of village character and need for housing. It seems local views are being ignored.
- The development is disproportionate to the village.
- This land is being offered for sale by parties who were employed by TDBC's Planning Department.
- The proposal makes no reference to low carbon or 'Code for Sustainable Homes'.
- The proposal includes a child's play area, although there is an existing play area adjacent to the site. This will hinder integration with the existing community.
- This proposal would inevitably be in association with windfall development within the settlement limits, the combination of which will add problems of traffic, infrastructure and drainage.
- The level of housing density proposed is relatively high given a village setting with high landscape impact.
- In working up the detailed layout, it will be essential to conform to the historic development pattern of housing and protect the landscape and townscape setting of the village and its conservation area status.
- No indication is given on the size of the dwellings proposed.
- Satisfactory arrangements will need to be agreed with the Parish for the upkeep and management of the play areas and continuation of the footpaths beyond the boundary into the village.
- Will create a sub-village with the new community clinging together, risking a 'separatist' situation being created. This is not conducive to the continued organic growth of the village.
- To disregard village opinion is authority without responsibility.
- The proposal goes against the democratically expressed wishes of the residents of the village. The plan for 45 houses exceeds the 30 that the Parish Council considers necessary and appropriate, and is not in keeping with the approach to development supported by residents.
- The developer's Statement of Community Involvement is flawed, particularly in terms of the statistical significance of the results of the consultation exercise.
- The application does not accord with the overwhelming support of villagers for a phased approach by way of small scale sites.
- Development spread across more but smaller sites over a longer period, as proposed by North Curry Parish Council, would help this beautiful village retain its special character.
- There is a waiting list for allotments in the village and this proposal does not have any.
- The houses do nothing to contribute to the village life that North Curry provides.

- The developers public consultation exercise did not include a proper address for comments to be sent to, so I am not confident that they will have taken the views of villagers on board.
 - This developer patently has no interest in complementing the unique character of North Curry or sustaining the quality of life for its residents.
 - The application should be rejected immediately in favour of a more sensible style of building, phased approach, and inclusive dialogue with residents.
 - The layout has not been well thought out as it includes a play area when one is already available in the adjacent field.
 - This site gives the appearance of ribbon development.
 - The creation of a large site on the village fringe will discourage social integration into the community.
 - There is no provision for much needed allotments.
 - There should be an overall plan not 'panic management'.
 - Its too large a development in too prominent a place just as you enter the village.
-
- There is no evidence of the planning need for this type of housing.
 - 25 to 30 houses would be much more acceptable.
 - This application should be considered in conjunction with the others in order to prevent them being permitted piecemeal.
 - The David Wilson Homes proposal is for 45 houses accompanied by a plan for 40 houses and a Flood Risk Assessment for 35 houses. There is a lack of consistency.
 - The local plan has not been considered and approved and so this application is premature.
 - We assume the Council will visit the village before making any decision.
 - The applicant has not demonstrated the need for this scale of development.
 - An outline application is not appropriate as density, style and design cannot be left to a later date on such a sensitive site.
 - It was disappointing that no-one from the Council attended the meeting (27th July) of the people directly affected.
 - The residents deserve better than to have their rural lives disrupted.
 - Some development is essential if we want to sustain a busy and thriving village community, but this can only happen successfully if development is organic.
 - It goes against all that is said about localism and democracy to ignore the voice of the local people.
 - A development of 45 houses is bigger than many rural Somerset villages.

5 representations have been received which are generally in SUPPORT, or at least are neutral to the proposal. Of these, the following views have been expressed:-

- If large scale planning has to be done in North Curry this site is the most appropriate as it takes traffic away from the village centre and other amenities such as playing fields, village hall, school etc. could be connected.
- Windmill Hill is the most practical of all of the proposed sites because it would be the most easily reached from Taunton.
- Windmill Hill would give good access to the medical centre and primary school, although may put a strain on such facilities.

PLANNING POLICIES

ROW - Rights of Way,
EN12 - TDBCLP - Landscape Character Areas,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus. The figures below are based on 45 dwellings, but would be less if the numbers of new dwellings were less (application states up to 45).

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£48,558
Somerset County Council (Upper Tier Authority)	£12,140

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£291,348
Somerset County Council (Upper Tier Authority)	£72,837

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations

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

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

The Core Strategy policy SP1

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

The Small Sites Allocation Plan is currently being produced and potential sites have been identified and are in the process of evaluation before the preferred options

plan is published later this year (expected Oct to Nov this year).

Considering the above, the development plan is not silent about the future development in minor centres although it is silent with regard to the allocations for the location of development. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

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

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

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission significantly and demonstrably outweigh these benefits. The comments of the Planning Policy Team and the recent paper considered by the LDF Steering Group (report on rural centre housing distribution) raises significant concerns about the quantum of development in North Curry and, in light of the number of potential sites identified that to determine this application in advance of the assessment of all options would be inappropriate, and as such, the application is unacceptable on the grounds of prematurity.

This is a particular area of concern and there would be significant adverse impacts of granting planning consent for a quantum of development which the minor rural centre might not be able to sustainably accommodate. It is important that whichever site (or sites) are developed, they are chosen through a process that considers all of the benefits and potential impacts in relation to each other. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

It follows that the proposal should be assessed against the guidance contained within the NPPF and the policies contained within the approved Taunton Deane Core Strategy. Notwithstanding the above, even if the development plan was considered to be silent I consider that the proposal is contrary to the National Policy Framework where one of the Core Planning Principles is the need to conserve historic assets and good design is a key aspect of sustainable development.

As a result of this report I consider that the site lies beyond the settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

North Curry Parish Council has decided not to have a neighbourhood plan in accordance with the statutory procedures for doing so. Instead they proceeded to consult and then produce a Parish Plan. This is not a statutory document under the Town and Country Planning Act and as such the plan (and the consultation exercise upon which it is based) carries little weight as part of the statutory planning process. It would in fact carry about the same weight as a third party representation, but no more. On this basis, whilst the views and statements it expresses are valid planning considerations to be taken into account, determination of this current planning

application does not have to be made in accordance with its findings.

Flood risk and drainage.

Many of the representations express great concern on this issue. Consultation responses have been received from the relevant authorities and they raise objection on the basis that the risks of increased flooding to and from the site have not been adequately assessed or addressed. This would not meet the requirements of the National Planning Policy Framework, nor would it meet the requirements of policy CP8 of the Adopted Core Strategy. It is understood that the Agent is negotiating with the relevant authorities in order to try and overcome their concerns. However, further observations received from the Environment Agency on 4th October make clear that the proposed arrangements are still not acceptable, and they maintain their objection. The Environment Agency makes the point that the difficulties in North Curry are village wide, and improved drainage on the development site alone is probably not sufficient to solve the risk. It is now looking unlikely that the agent will be able to prove beyond reasonable doubt that the proposal would not lead to an increased risk of flooding, despite many weeks of negotiations. Unless the agent can prove otherwise in the limited time available, the application must also fail on the grounds of being likely to give rise to an increase in flood risk. This would make the proposal contrary to National and Local Policy.

Third party representations have consistently made the point that the land is liable to flood, citing last winter as a case in point.

Landscaping issues.

This is a very prominent site and acts as a gateway to the village. There are commanding views across the site to the open countryside beyond and glimpses of the historic village as one approaches down Windmill Hill towards North Curry. These views are special and worthy of protection, and the developer has not as yet convinced officers that the proposed development would protect these views. The Council's Landscape Officer has particular concerns on the following issues -

- This is a major route into the village which the development will detrimentally impact in terms of landscape;
- loss of open countryside;
- loss of frontage hedgerow;
- loss of amenity from public footpath running on the east of the site

Although negotiations are in hand to try and mitigate any adverse impact to visual amenity from the proposed development, officers are not as yet convinced that a development of up to 45 houses together with infrastructure could be successfully accommodated at this location. Negotiations are continuing to see whether or not the landscaping issues can be overcome. These have not been concluded at the time of preparing this report, and unless they are, there should also be a reason for refusal based on the adverse impact upon the landscape setting and visual amenity.

Affordable Housing.

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has shown. This equates to up to 11 dwellings for 44 units and a contribution towards any fraction of the 45th. This would be secured through a legal agreement with a local connection clause to ensure priority is given to local people in housing need. Further details are given in the section commenting on the observations of the Housing Enabling Lead.

Public Rights of way (PRoW).

There is a Public Right of Way that affect this site. The existence of these PRoW's is a material consideration. The applicant would need to seek a diversion order to realign the PRoW's as shown. A suitably worded condition placed against an approval to ensure that no development took place unless a diversion order was granted would be sufficient to meet the requirements of statutory regulations in this regard.

Highways and access issues.

Many concerns have been expressed about the proposal in relation to access, the local road network and pedestrian facilities. The Parish Council have also expressed their written concern in this regard. It is understood that the applicant is still trying to negotiate a positive outcome, but until such time as that occurs the application should be refused on highways grounds as given above.

Wildlife and biodiversity issues.

It would appear, based on the evidence submitted, that there are no insurmountable concerns with either wildlife or biodiversity issues. Neither Natural England, nor the Council's Biodiversity officer are raising any substantive objection. Care will need to be taken in respect of lighting at the site and a lighting strategy will probably be required in order to prevent light pollution or spill that could interfere with commuting or foraging bats. Officers are of the opinion that all these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey.

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

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

Affordable Housing, Leisure and Recreation, Education, Highways and Transportation and additional matters such as the need to include measures for the provision and maintenance of the public open space and attenuation pond. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. No agreement has been entered into so this should also form part of the reasons for refusal. However, it would be necessary to add an informative for the applicant to the effect that if an appeal is lodged against any refusal, then it

would be expected that such an agreement could be finalised.

Conclusion.

The majority of the interested parties in are still maintaining an objection. Whilst the applicant is attempting to overcome those objections there is no obvious solutions and the application needs to be determined.

It is commonly agreed by the relevant experts that biodiversity issues could be overcome and dealt with by way of appropriately worded conditions.

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

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

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

Most significantly, the application is considered to be prejudicial to the legal framework and progress of the Local Plan process. The Planning Policy Team has profound concerns about the timing of this application ahead of the Site Allocations Plan. The clear preferred route for consideration of the relative benefits or otherwise of this site is through the SADMPP process. On this basis, a decision to refuse the proposal on the grounds of 'prematurity' is considered to be appropriate. It is concluded that the Council should decide the application in line with the Core Strategy and the 'genuinely plan led' process as espoused in paragraph 17 of the NPPF and recommend refusal. Technical reasons will also be added unless the applicant is capable of resolving the outstanding issues in the time between the preparation of this report and the Committee meeting.

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

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