

14/13/0006

GADD PROPERTIES LTD

ERECTION OF 55 DWELLINGS, PROVISION OF SCHOOL CAR PARK, VEHICULAR ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS ON LAND TO THE NORTH OF PRIMARY SCHOOL, HYDE LANE, CREECH ST MICHAEL

Grid Reference: 326979.126031

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision:

Subject to the provision of a Section 106 Agreement to address the provision of

- 25% Affordable Housing provision on site,
- Contribution of £134,827 towards primary education,
- Contribution of £147,752 towards secondary education,
- Contribution of £2644 per 2bed+ dwelling for children's play provision
- 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,
- provision of maintenance of the open space and flood attenuation area
- a contribution of £55,000 (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 55 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the character of the area. The access is considered suitable to serve the site and as such the proposal is in accordance with the provisions of policies SD1, SP1 and DM1 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 or on flood risk and is therefore considered acceptable and, accordingly, does not conflict with Policies CP4 (Housing), CP8

(Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

- (A3) DrNo P341-WD5 Rev G Elevations
- (A3) DrNo P341-WD5 Rev J Floor Plans
- (A1) DrNo 1128-105 Rev B Layout Indication Public Open Space
- (A1) DrNo 1128-103 Rev B Facing Material Layout
- (A1) DrNo 1128-100 Rev B Planning Layout
- (A1) DrNo 1128-106 Rev B Boundary Treatment
- (A1) DrNo 1128-104 Rev B Affordable Housing Detail
- (A1) DrNo 1128-102 Rev B Storey Heights
- (A0) DrNo BIR 4180_06A Detailed Soft Landscape Proposals
- (A2) DrNo D21 39 P5 Tree Protection Plan
- (A3) DrNo FMW0979 - SK01 REV B Junction Access Arrangement with Speed Table
- (A1) DrNo 12108 - SK7 Rev A Storm Balancing Pond Cross Sections
- (A1) DrNo 12108 - SK3 Rev A Preliminary Planning Levels
- (A1) DrNo 12108 - SK4 Rev B Storm Foul Drainage Strategy
- (A1) DrNo 12108 - SK6 Rev A Storm Balancing Pond Layout

- (A3) DrNo 1128-101 Location Plan

- (A1) DrNo 1128-PL-107 Site Sections to Illustrate General Topography
- (A1) DrNo 1128-STE-01 Street Elevations
- (A3) DrNo SD14-003 Standard Gate 3
- (A3) DrNo SD14-010 1200 Ranch Style Fence
- (A3) DrNo SD14-011 1800 Brick Pier Wall
- (A3) DrNo SD14-015 1800 Close Boarded Timber Fence
- (A3) DrNo SD14-016 1800 Privacy Gate Detail
- (A3) DrNo SD14-017 1200 & 1800 Larch Lap Fence
- (A3) DrNo H406 BAY---5 Planning 1 of 2 Elevations

(A3) DrNo H406 BAY---5 Planning 2 of 2 Plans
(A3) DrNo H469--X5 Planning 1 of 2 Elevations
(A3) DrNo H469--X5 Planning 2 of 2 Plans
(A3) DrNo H500---5 Planning 1 of 2 Elevations
(A3) DrNo H500---5 Planning 2 of 2 Plans
(A3) DrNo H536---5 Planning 1 of 2 Elevations
(A3) DrNo H536---5 Planning 2 of 2 Plans
(A3) DrNo P341-D-5 Planning 1 of 2 Elevations
(A3) DrNo P341-D-5 Planning 2 of 2 Plans
(A3) DrNo P230--D5 Planning 1 of 2 Elevations
(A3) DrNo P230--D5 Planning 2 of 2 Plans
(A3) DrNo P230---5 Planning 1 of 2 Elevations
(A3) DrNo P230---5 Planning 2 of 2 Plans
(A3) DrNo SH18---5 Elevations
(A3) DrNo SH18---5 Plans
(A3) DrNo SH37---5 Elevations
(A3) DrNo SH37---5 Plans
(A3) DrNo SH45---5 Elevations
(A3) DrNo SH45---5 Plans
(A3) DrNo G101 Garages 1 of 5
(A3) DrNo G102 - plot 55 Only Garages 2 of 5
(A3) DrNo G201 Garages 3 of 5
(A3) DrNo G202 Garages 4 of 5
(A3) DrNo G203 Garages 5 of 5

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

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

Reason: To 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) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and design of the boundary fencing to the eastern boundary with West View. The agreed boundary treatment shall be completed before construction is commenced or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

6. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.0 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.

7. 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.

8. 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.

9. 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 the submitted plan unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of connectivity and highway safety.

10. 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.

11. 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.

12. No work shall commence on the development hereby permitted until details of the traffic calming shown on drawing no FMW0979-SK01B have been submitted to/approved in writing by the Local Planning Authority. Such traffic calming shall then be fully constructed in accordance with the approved plan/details to an agreed specification before the development is first brought into use. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

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

13. The school car parking area shown on the submitted plan shall be marked out in a manner to be agreed in writing by the Local Planning Authority prior to car park being brought into use. The parking area and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the school use.

Reason: To ensure orderly parking on the site and decrease the likelihood of parking on the highway in the interests of highway safety.

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. 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.

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 County Council's Streetworks Co-ordinator (01823 483135). 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 Traffic and Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning 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.

PROPOSAL

The application is a detailed one for the erection of 55 dwellings, provision of a school car park, vehicular access, public open space and associated works at land to the north of the primary school in Creech St Michael. The housing will consist of 41 open market and 14 affordable units and will include:

- 7 x 2-bed units,
- 7 x 3-bed units,
- 30 x 4-bed and
- 11 x 5-bed units.

The application includes a Design and Access statement, a Planning Statement, a Flood Risk Assessment, a Transport Assessment, a Tree survey, Landscape Appraisal, Historic Environment Assessment and Ecological Appraisal.

SITE DESCRIPTION AND HISTORY

The application site consists of a field bounded by a hedgerow on 3 sides with the school to the south and rear gardens of West View properties on the eastern side. The hedge to the west bounds the old road, now a cycle route and fields to the north. The site has previously been put forward as a potential housing site in the SHLAA but there have been no applications on the site before.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

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

1. We understand the principles of considering each application individually & that the NPPF must be taken into consideration, but new housing estates should be sustainable by being near a range of shops & facilities so as to reduce the dependency on car usage. Developer financed independent reports indicate a shop, Post Office & a range of shops in Creech St Michael. In reality the convenience shop is poorly located for today's requirements, has insufficient off road parking, has

a lack of wheelchair access & has the Post Office located in store, hardly a range of shops. This shop & the village in general will be the victims of over development when all construction work is concluded. Planning application 14/12/0036 has been granted giving 35 houses, planning application 14/12/0043 is due for consideration giving 44 houses & this application suggests 56 more houses totalling 135 new family houses, more than 50% of the suggested total in the Core Strategy for 5 rural centres. This we feel is an unacceptable number.

2. Much is made of our village amenities but no reference is made to their usage by the new Monkton Heathfield development. Some 320 houses are nearing completion with the possibility of another 651 before any infrastructure is in place. These houses are entitled to register with Creech St Michael Medical Centre. The proposed closure of Hyde Lane north will encourage additional traffic through the village centre especially North End where there is no pavement & S.C.C. Highways Department are struggling to find an acceptable solution at the present without the complication of extra traffic. The road through Creech also suffers from decaying narrow bridges, narrow roads & width restrictions, hardly an ideal scenario for additional traffic. Whilst not directly a result of this application these factors in addition to the traffic generated by this & other applications cause us great concern. The Core Strategy is aimed at providing new homes & employment. There is no local employment generated by this application only more vehicles attempting to use restricted road space. We note that the L.P.D. calls for medical facilities to be accessible by public transport; the Medical Centre has no bus route & Hyde Lane, which has no parking restrictions, is not wide enough to accommodate a bus. Indeed, if such a service could be provided & the occupants of the proposed homes all used it we would need a fleet of buses!

3. The Primary School is not only oversubscribed but also overcrowded. Should the estimate of primary age school children prove accurate, & that is debatable, then approximately 20 children will attend the school. The I.T. suite & Main Hall have already been lost leading to children having to sit on the floor to eat lunch. This is not an acceptable situation & the addition of more children as a result of this application will make the situation even worse. The pre-school also occupies the school site & is full to capacity with an extended waiting list, the advent of more children therefore being unsustainable. The proposed site would preclude any future development of the school despite the probability of increased child numbers.

4. The layout of this site is of poor design with a lack of open space. This will result in children playing in the roadways & will lead to anti-social behaviour. Additionally the houses lack variation in type & construction & therefore appear incongruous with the existing village pattern.

5. The Parish Council have concerns as to the calculations of water run-off & the size of the attenuation pond. Miscalculation here would result in severe flooding issues in West View & North End, not a satisfactory situation given the flooding experienced earlier this winter. As this site was first discussed with planners in 2010

have recent surveys been carried out or are the developers using outdated information?

6. We note that the affordable housing plan does not include any bungalows for elderly or disabled people. Given the school is registered to take children with special needs & that a village has elderly residents who would wish to stay in their "home" village in later life then this provision is seen as essential.

7. The Parish Council has grave concerns with regard to the proposed access to the site. As there are no parking restrictions on Hyde Lane the assertions as regards site lines are misleading. It is also unacceptable for the estimated volume of traffic to queue alongside the school & pre-school playing areas causing possible health issues through vehicle emissions pollution. We must question whether all possible exits & entrances have been examined. There are also safety concerns as there is a lack of pedestrian railings & an adequate crossing facility from a public footpath, the main route used by children & parents to access the school.

8. The proposed car parking facility is misleading. There are 30 full time staff employed at the school & a number of part time & voluntary workers. An open car park of 32 spaces which is accessible by residents, school staff & visitors will be insufficient. The lack of a time scale for its donation to the school is unsatisfactory as is the concept of opening school property to allow access to this car park. We note that preliminary discussions held between the Parish Council & the developers involved not only a dedicated school car park but also the building of an additional hall on school premises. These proposals have now been forgotten.

9. 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. Should permission be granted for this application, we feel a local connection clause for villagers with a proven need to be given priority for affordable housing is required. Also any educational monies should be "ring-fenced" for Creech St Michael primary school & any road improvements should be in place before the occupation of the first dwelling, specifically to enhance Hyde Lane from the M5 bridge to the Monkton Heathfield development providing direct access to the A38 with provision for cycle & footpaths. In addition, to stop 'rat-running' through Creech St Michael a scheme of traffic calming measures, preferably speed humps, should be implemented.

10. Additionally site deliveries should be outside of school drop off & collection times & all work carried out a minimum of 75 metres away from school premises so as to prevent noise & dust pollution.

11. In conclusion the Parish Council feel that this site is wholly inappropriate given the above. As this site, less the proposed access route, appears on the T.D.B.C. proposed site listing which was only open to consultation on 12.02.13 we feel this application is premature. The site adjoins another proposed site which is considered too large at this juncture & we feel it would be prudent to consider both sites

together with an alternative access in the next planning period, allowing time for full assessment of water run-off, flooding, traffic & educational issues. We therefore respectfully request refusal of this application.

THE FOLLOWING COMMENTS ARE MADE IN ADDITION TO AND NOT SEPARATE FROM OUR EARLIER SUBMISSION AND SHOULD BE TAKEN AS PART OF THAT DOCUMENT.

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 such as the shop or pub which being commercial enterprises may close at any time, 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 on-going, 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), contributing 111 dwellings to the Core Strategy's aim of at least 250 new homes within the 5 minor rural centres and now risks being overdeveloped and its sustainable services overrun 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.

Further comments dated 22/4/2013

Again we find ourselves discussing this unwanted and unsuitable application. We now find the developers have submitted amendments even though the reasons for this have not been made public. Our previous correspondence has indicated our total rejection of the suitability or sustainability of this development and there is nothing in this amendment to alter this point of view. It does however raise the question of the ability of this applicant to accurately calculate the water run off rate and therefore its affect on the environment. Whilst we are not suitably trained in this matter we rely on others to assess honestly such an impact and if the first calculations had to be reworked because of a "profit above all else" attitude what faith can we have in the second effort? The application still fails to show the precise shape, size and depth of the attenuation pond, preferring instead to discuss the with the planning department at a later date. How can this be appropriate for a full application?

Our main objection to this amendment involves the areas of open space. The main open space is still closely linked to the attenuation pond thus giving concerns for public safety and the additional areas are of no practical use as "public open space". It would appear that yet again a mathematical exercise to conform to legal requirements has been given priority over the true meaning of the law.

There appears to be a loss of some trees in the car park area and the parking spaces seem to vary between 32 and 34 spaces depending on which element of the plan is examined.

There seems to be some fundamental problems with this application which are not successfully addressed by this amendment and we find no reason to alter our original opinion and strongly urge rejection.

SCC - TRANSPORT DEVELOPMENT GROUP - no objection subject to the developer entering into an S106 agreement to secure:

- 1) Traffic calming measures along Hyde Lane to work with the existing measures;
- 2) Fifty-six thousand pounds (£56,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 3) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Detailed comments on application:

Location - The site is located next to the M5 and near 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 M5 via Hyde Lane Cottages to connect with the A38 at Bathpool, south of the Taunton-Bridgwater canal.

Local Highway Network and Use - Hyde Lane narrows and has no footways east of the M5; for part of its length between the M5 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.

Site Access and Traffic Calming in proximity to school and nursery - In detail, it is proposed to access the site by building a new estate road immediately east of the primary and nursery schools. If the development is permitted the nursery school access will be on the corner of the new junction. As a large number of vulnerable users use Hyde Lane on a regular basis it is considered most important that very low vehicle speeds can be achieved. The planning application shows a simple T-junction with visibility splays commensurate with Manual for Streets recommended layout for relatively low traffic speeds. The speeds along Hyde Lane past the school are already regulated to a degree by speed humps and on-street parking with ensuing traffic friction.

The developer proposes to enhance this system of traffic calming, by building the new junction upon a 'speed table' (drawing FMW0979 – SK01 – REV B). This has been considered by the Highway Authority's audit team and is considered acceptable in principle – a detailed audit report has been sent to the developers design engineers for their consideration. Statutory obligations include the requirement to undertake certain consultations, advertising of the proposals and the resolution of any objections received before traffic calming measures are constructed. The introduction of a raised table junction would retain the safety benefits of traffic calming measures, restrict vehicle speeds, and assist by moderating the speeds of vehicle movements at the proposed development access.

The detailed design must take into consideration the side road access leading to/from Rocketts Close and it may be necessary to construct a ramp at the entrance to Rocketts Close forming part of a raised table junction for the proposed development access. The proposed junction table will be considered further as part

of future detailed design stage technical and safety audit processes.

The visibility splays which can be provided onto Hyde Lane shall be measured from 2.4m back along the centreline of the proposed new access road at a driver's height of between 1.05m and 2.00m to an object height of 0.260m, or 600mm (MfS). All land required for visibility must be available for dedication to the Highway Authority. Consideration should be given to restrict on-street parking of vehicles for a distance along Hyde Lane to facilitate the movement of vehicles and to protect the required visibility splays at the proposed development access onto Hyde Lane.

The proposal is considered acceptable as a layout near a school and nursery since it is a simple T-junction where traffic speeds will be low, governed by the vertical shift traffic calming measures as well as where speeds are influenced by on-street parking and other oncoming traffic. Speed reducing tables aid pedestrians pushing pushchairs and those with disabilities, as well as being beneficial in slowing traffic down.

The access road itself is relatively long and straight with a small car park access towards its northern end. A speed reducing feature here would also be beneficial. Vertical lifts are most effective in reducing traffic speeds for all traffic conditions throughout the day. Manual for Streets (1) advocates that for residential streets, a maximum design speed of 20mph should normally be the objective.

Footpath - Right of Way - There is a Public right of way which is likely to be affected by the development proposal and it is recommended that the LPA consult with the County Council's RoW team to obtain their views on this proposal.

Transport Assessment - The Transport Assessment accompanying the application is generally acceptable but there are two main concerns with regard to this proposal.

- 1) Car parking proposed for the neighbouring school is in excess of SCC Standards (additional 32 spaces proposed whereas 19 spaces would be considered adequate in total including spaces already available within the school curtilage). However I am inclined to accept a departure from standards in the particular circumstances here. There is high demand for parking for staff and the development will result in the loss of much of the on-street space that is used by custom and practice currently. It has been suggested that in order to expand the capacity of the school to accommodate growth the spaces within the campus may also be lost in the course of time. The nursery is also likely to expand and some staff may need room to park vehicles.
- 2) There will be some impact on the single-track sections of Hyde Lane, which is likely to be approaching capacity. An appropriate sum should be sought as a contribution towards improvements.

As these two issues can be addressed then there is no reason to recommend refusal of this planning application on traffic impact grounds.

Travel Plan - The Travel Plan as submitted is considered poor with improvement

required in almost all the main areas, however this can be secured through a planning agreement, the Travel Plan to be secured prior to commencement of development.

The applicant has paid little regard to SCC Travel Plan Guidance and the resources available on the Moving Somerset Forward website, and this is demonstrable from major issues highlighted within this audit with regard to almost all topic areas. The following points represent the headline issues with regard to the travel plan:

- No transparent link to the Transport Assessment.
- No discussion with the Local Highway Authority (LHA)
- No commit to the use of iOnTRAVEL for the entire lifespan of the TP.
- No commitment to a Travel Plan Fee.
- Site Audit requires a greater level of detail.
- Existing Action Plan measures are insufficient and further measures are required.
- Parking Strategy is undefined.
- No plans of physical measures are included within the Travel Plan.
- The Monitoring strategy does not contain the appropriate commitments.
- Travel Plan Targets need to conform to SCC Guidance.
- TPC role is not properly defined.
- No mention of the securing or safeguarding of the Travel Plan.

The above issues should be addressed in accordance with SCC Guidance.

Estate Road Matters and Advance Payments Code - The following Estate Road matter observations are based upon drawing numbers 1128-100, 12108/SK4 and 12108/SK5.

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).

- Drawing number 1128-100

1. The length of the proposed effective straight contained within the access road that will link the development site with Hyde Lane, is in excess of the 70m as recommended within 'Manual for Streets.' This detail is of concern.
2. The proposed footway along the eastern boundary of the proposed access road should provide a continuous link from Hyde lane to the pedestrian crossing and should therefore be extended a sort distance northwards.
3. There is no need for a strip of block paved surfacing to be provided across the entrance to the car parking area prior to plot 1. The access to the parking area shall be of a standardised bell-mouth arrangement with appropriate visibility splays designed into it.
4. Should the access to the car parking area include gates, then they shall be hung to open inwards and not out over the prospective public highway limits.
5. The footway, where it extends around the eastern boundary of plot 3, should be constructed as per a typical bitumen macadam specification throughout. There is no need for a small length of block paving to be introduced within the footway as currently indicated within the drawing.

6. The tie-ins to the shared surface roads with the spine road, between plots 9 and 31 and 48 and 55 can take the form of vehicular crossovers, giving the impression of the continuation of footways.
7. Block paved shared surface carriageways should be constructed with longitudinal gradients no slacker than 1:80 to prevent surface water ponding on the carriageways.
8. Adoptable 1.0m wide hardened margins will be required at the eastern end of the block paved carriageway adjacent to plot 53 and the southern end of the turning arm between plots 12 and 13.
9. Adoptable 17.0m long forward visibility splays will be required across the inside of all carriageway bends. There shall be no obstruction to visibility greater than 600mm above adjoining carriageway level within the splays and the full extent of the splays will be adopted by SCC. If permission is granted, all such visibility splays, shall be clearly indicated within all future revisions of the layout drawing.
10. The provision of a 2.0m wide footway across the frontage of plots 27 and 28 will provide pedestrians with a safe means of access to/from the footway on the eastern side of the carriageway directly opposite.
11. The footway fronting plot 43 should be extended up to the driveway serving plot 44.
12. The proposed links to the south of plot 13 and the north of plot 23 will be used by a combination of pedestrians and cyclists. Therefore, the links should be constructed to a minimum width of 3.0m and surfaced in red pigment bitumen macadam. The links should incorporate visibility splays based on dimensions of 2.0m x 20.0m in both directions at their tie-ins with the existing footpath/cycleway. Similar visibility splays will be required where the links connect onto the proposed block paved shared surface carriageway. Adoptable forward visibility splays will be required throughout the 90 degree bends within the links.
13. If built, Somerset County Council will not maintain the grassed margins throughout the site. An agent will also need to be responsible for the maintenance of the proposed balancing pond at the northern site boundary.
14. All proposed private tandem parking bays should be constructed to a minimum length of 10.5m as measured from the back edge of the prospective public highway. The bays serving plots 20, 21 and 41 appear to be slightly shy of this required distance.
15. An existing public footpath link that runs along the eastern site boundary. It appears it will be built upon to provide a bound footpath link to serve plots 53, 54 and 56 and extending up to the site boundary. If the footpath is to be adopted by Somerset County Council then it will have to be adequately drained and lit. As in comment 12 above, this link may well be used by a combination of pedestrians and cyclists and should be constructed to accommodate both sets of users.
16. Surface water from all private areas, including parking bays and drives, will not be permitted to discharge on to the prospective publicly maintained highway. Private interceptor drains should be installed.
17. Tie into existing carriageway - Allowances should be made to resurface the full width of Hyde Lane where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. It may be

necessary to excavate core holes within Hyde Lane to ascertain the exact depths of the bitumen macadam layers.

18. The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Hyde Lane.

20. A condition survey of the existing public highway will need to be carried out and agreed jointly by the developer and the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority prior to occupation of the site. It is recommended that contact be made with the Highway Service Manager (Taunton Area – 0845 345 9155) to make arrangements for such a survey to be undertaken.

21. All existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.

22. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

- Drawing number 12108/SK4 - 'Storm & Foul Drainage Strategy.'

23. All surface water proposals will be looked at as part of the formal Section 38 Agreement technical audit process.

- Drawing number 12108/SK5 - 'Vehicle Tracking Analysis.'

24. The applicant will need to supply vehicle tracking analysis for a 4 axle refuse vehicle.

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, the 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, passes through the centre of Creech St Michael, then the junction of Hyde Lane with St Michael Road, and in turn along Hyde Lane close to the primary school to the site. Construction traffic should also be timed to arrive and depart to avoid the start and finish

of the school day to minimise the likelihood of any conflict between it and young, vulnerable road users.

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. The Environment Agency, Wessex Water, TDBC Drainage Engineers and the County

Council's Flood Risk Management Team are together considering the scope of the study and who should lead on the work and how to involve the Local Planning Authority.

Addressing Highway Authority Concerns - 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 between users 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 a 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. This approach would be consistent with that taken for planning application 14/12/0036 for 35 dwellings nearby, permission for which the Planning Authority has previously resolved to grant.

In Conclusion - Taking into account all of the above, I would therefore not recommend the refusal of the application subject to the developer entering into an S106 agreement to secure:

- 1) Traffic calming measures along Hyde Lane to work with the existing measures;
- 2) Fifty-six thousand pounds (£56,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 3) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

LANDSCAPE - My main concerns are there are proposed construction works within off site tree root protection areas and no details of how potential root protection damage can be overcome eg. road access off Hyde Lane. The attenuation area does not count as open space provision. The northern boundary will need more significant landscaping to provide suitable mitigation. Generally the landscape details are fine.

Further comments dated 10/04/2013

The additional 3m landscaping on the northern boundary is helpful but is insufficient to overcome my concern regarding landscape impacts. The proposed planting would be along a significant stretch within rear gardens where it will be difficult to maintain longer term. 2.5 storey houses along the northern and western boundaries will be locally prominent and difficult to soften through landscaping. The main access road will contain services that will be difficult to install without damaging tree roots.

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 affordable housing detail shown within the application is not acceptable as it currently does not reflect the 60/40 split. Owing to affordability and housing need the 3 x four bedroom properties should be for social rent.

Housing Enabling would consider the following as an acceptable affordable housing layout :

Social Rent

- 2 bed hse plot 21,22,38,34
- 3bed hse plot 23
- 4bed hse plot 20, 37, 33

Shared ownership based on 40% 1st tranche share

- 2 bed FOG plot 19
- 2 bed hse plot 18,35
- 3 bed hse plot 16,17, 36

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.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

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.

DRAINAGE ENGINEER - Comment awaited.

ENVIRONMENT AGENCY – Initially objected to the application but subsequently withdrew objection after the submission of further information.

Original Comments

We object to the proposed development because the application fails to provide sufficient measures to ensure that flood risk will not be increased on site or elsewhere as a result of the development. The application is therefore contrary to the recommendations of NPPF paragraph 103 and Taunton Deane Adopted Core Strategy CP8.

The applicant is proposing to use a drainage ditch to the north of the site to discharge the surface water from the site. As a result of this development, despite reducing the rate of discharge, no measures have been provided to reduce the volume of water that would drain to the ditch. Therefore, a higher volume of water will be flowing in the ditch. During the November 2012 flooding, some properties in North End were flooded as a result of high flows draining to that ditch. We are concerned that as a result of this development, a higher volume of water will be draining to North End. There is a real risk here for this development to increase flood risk to existing properties in North End if the drainage is not adequately assessed and addressed within the FRA.

In addition to the above concerns, whilst we welcome the fact that the applicant is proposing to limit the discharge from the site to a 1 in 1 year Greenfield runoff rate, we do not consider that the current design will ensure that this run-off rate is reached. In order for the applicant to achieve this 1 in 1 year Greenfield level, the discharge rate must be calculated based on the impermeable area contributing to the pond; therefore, 1.38 ha which would result in a discharge rate of 5.52 litres per second. The current design is providing a discharge rate of 11 litres per second. This higher discharge rate means that the surface water attenuation volumes proposed are likely to be under-estimated.

In order to address our objection, the applicant must revise the design of their attenuation facilities based on the impermeable area on the site as explained above, and assess the impact of the development on the ditch, determine the capacity of the ditch and look at the impact of the surface water strategy on existing properties in North End. The application should only be progressed if it is shown through further assessment that flood risk will not be increased elsewhere as a result of the development. These revisions should be provided in an updated version of the FRA.

Subsequent comments

Objection withdrawn and further comments awaited in respect of conditions.

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

Foul Drainage - Initial appraisal suggests that the site may be drained by gravity which is preferable to a pumped solution. 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 - Soakaways are unlikely to be effective attenuation, storage and regulated discharge to existing ditch seems appropriate.

As the strategy has yet to be agreed we request a planning condition for foul and surface water drainage

There is adequate capacity at the receiving sewage treatment works to accommodate the proposed development.

There are public water mains available to serve this site. Local upsizing may be required to ensure satisfactory standards of service. Buildings above two storeys may require pumped storage.

SCC - CHIEF EDUCATION OFFICER – comment:

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 56 houses would be expected to require 11 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 £134,827 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 eight secondary school places. The DfE estimate of the cost of each of these is £18,469, so total contributions of £147,752 should also be sought.

I can confirm that the County Council would be supportive in principle of improved parking facilities for school staff and official visitors, but that the new car park should not be viewed as available for parents at the beginning and end of the school day.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROWs) recorded on the Definitive Map which crosses the area of the proposed development at the present time (footpath T10/23). I have attached a plan showing the footpath for your information.

Any proposed works must not encroach on to the width of the footpath.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary Diversion Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Diversion of the routes would be carried out by Taunton Deane District Council under the Town and Country Planning Act. Improvements/ upgrading of the surface of the path will require authorisation from Somerset County Council (SCC) Rights of Way Group. I have attached a form which should be completed and returned to Sally Vickery, Area Rights of Way Warden.

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 Somerset 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 the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a 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 (01823) 483069.

LEISURE DEVELOPMENT - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings.

The proposal has not made provision for on-site children's play, which should be provided within 400m for a LEAP or a 1000m for a NEAP, of every family sized (2bed+) dwelling on the development proposal. I would request that an off-site play contribution of £2644 be sought for every family sized dwelling to be spent within the vicinity of the development.

A contribution of £1454 for each dwelling should be sought for the provision of facilities for active outdoor recreation.

A contribution of £194 per dwelling should be sought for allotment provision and a contribution of £1118 per dwelling towards local community hall facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

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 value of 1% of the development costs.

Further comments dated 11/04/2013

Further to those observations with regard to public open space provision, Local Plan policy C4 requires 2.6ha of public open space per 1000 population, which is divided into 0.8ha for play and 1.8ha for public open space. Assuming occupancy of 2.3 persons per dwelling x 56 homes gives 129 persons on site. $2.6\text{ha}/1000 = 0.0026 \times 129 = 0.3354\text{ha}$ of public open space of which 0.1006 ha should be for play and 0.2348ha is for playing fields.

Recreational open space should be accessible and useable 365 days a year and exclude any attenuation ponds. The area shown on drawing 1128-105 whilst appearing to include sufficient recreational open space at 0.27ha, includes a strip of land along the access road that would have limited recreational value.

OPEN SPACES MANAGER - If there are steep drops greater than 1.2m and slopes steeper than 1:3 the surface water attenuation pond in the open space area should be protected by fencing (3 bar, post and rail with chainlink).

BIODIVERSITY – comments

The site consists of arable land, surrounded by hedgerows. A ditch with a pond runs along the northern boundary of the site. Waterman Energy, Environment and Design Ltd carried out an Ecological Appraisal of the site in November 2012. The report is dated January 2013.

Findings were as follows

Water vole - During the survey no signs of water vole (burrows and droppings) were identified

Otter - The surveyor considered the drain to be too shallow to support otters

Great Crested newts - The surveyor considered the pond on site and a pond located within 500m of the site to be unlikely to support Great Crested newts. This is supported by the HIS results and the fact that no GCN records were returned from the data search.

Badgers - No evidence of badgers was found.

Bats - The hedgerows on site offer some commuting and foraging resources to bats. Lighting should be sensitively designed to avoid light spill on hedgerows
Trees on site are in good condition and appeared to lack suitable roosting features.

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

Reptiles - The surveyor considered habitat on site to be of limited value to reptiles

Dormice - The surveyor considered the majority of hedgerows on site to be sub optimal for dormice due to their structure and species composition.

I support the enhancements suggested in the report and suggest a condition for protected species:

DIVERSIONS ORDER OFFICER - Mr Edwards - The Public footpath T10/23 travels through the proposed site. If planning consent is given then the footpath would need to be diverted as the current definitive line would run through two proposed dwellings. Should any preliminary exploratory works be undertaken then adequate Health & Safety measures must be put in place to protect path users.

POLICE ARCHITECTURAL LIAISON OFFICER – comment:

Design & Access Statement - the NPPF makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in '*Safer Places, The Planning System and Crime Prevention*'. Apart from some brief references to crime prevention and Secured by Design principles, the DAS submitted in support of this application does not do so.

Crime Statistics - reported crime for the area of this proposed development (within 500 metre radius of the grid reference) during the period 01/02/2012-31/01/2013 is

as follows:-

- Burglary - 4 Offences (incl. 1 dwelling, 3 non-dwelling)
- Criminal Damage - 2 Offences (both to a vehicle)
- Sexual Offences - 1
- Theft & Handling Stolen Goods - 11 Offences (incl. 8 theft from motor vehicles and 1 theft of pedal cycle)
- Total 18 Offences

This averages under 2 offences per month, fairly evenly spread throughout the week and months, which are low crime levels. During the same period, 10 incidents of anti-social behaviour (classified as ASB Personal or ASB Nuisance) have been reported in this area which are again low levels.

Site Layout - vehicular and pedestrian routes appear to be open and direct with all dwellings providing active frontages to the street. The proposed changes in road surface, rumble strips etc can help define the defensible space of the development giving the impression that areas beyond are private. The majority of dwellings around the perimeter of the development appear to back onto existing hedgerows, those to the north supplemented by a post and rail fence. In order to have any security value, these hedgerows should be substantial in nature to deter unauthorised access to the rear of dwellings. The two perimeter blocks in the centre of the development incorporate back to back gardens, which is recommended orientation, as this does restrict access to the rear.

Communal Area - the proposed communal area is situated in the north east corner of the site and subject to limited surveillance from dwellings along its southern boundary only. Such areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be subject to good all round surveillance from nearby dwellings with safe routes for users to come and go and incorporating features which prevent unauthorised vehicular access. Whilst accepting that this area incorporates a SUDS, I have some concerns that this proposed communal area is subject to limited natural surveillance, particularly if a Play Area is incorporated in due course if planning permission is granted. A more central location with improved surveillance opportunities would be preferable.

Dwelling Boundaries - it is important that boundaries between public and private areas are clearly indicated, which appears to be the case. Dwelling frontages should be kept open to view to assist resident surveillance so walls, fences, hedging at the front should be kept below 1 metre in height. As mentioned above, more vulnerable rear and side gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the fencing and lockable. The development appears to incorporate a number of rear access alleys and, where these are necessary for refuse collection etc, they should be gated at the entrance, as near as possible to the front building line, to deter unauthorised access to the rear of

dwellings where the majority of burglaries occur.

Car Parking - appears to be a mixture of on-plot garages, parking spaces and communal parking. Police advice is that garage or hard-standing within the dwelling curtilage is the recommended option. Where communal parking is necessary, this should be in small groups, close and adjacent to homes and within view of active rooms within these homes. The communal parking between Plots 18 & 20 appears to fit this criteria, however, I have some concerns regarding the 32 spaces and cycle store proposed at the southern boundary to the rear of the school. I note that it is proposed to transfer ownership of these spaces to the school but I am concerned that there is very limited natural surveillance of these spaces, apart from some existing dwellings opposite the entrance in West View. To exacerbate this, this parking area runs along the rear of Plots 1,4,5,6 & 7 and is surrounded on all sides by hedging further restricting visibility from the houses and the school. In my view, vehicles parked in this car park will be vulnerable to attack and, being located in the innermost part of the car park with very limited surveillance opportunities, I feel the cycle store is particularly vulnerable. In view of this, I recommend that the location and layout of this car parking area be reconsidered.

Planting/Landscaping - should not impede opportunities for natural surveillance and, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre. Mature trees should be devoid of foliage below 2 metres in height, so allowing a 1 metre clear field of vision.

Street Lighting - all street lighting for both adopted and private highways, estate roads, footpaths and car parks should comply with BS 5489

Physical Security of Dwellings - the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design (SBD)' award scheme, full details of which are available on the SBD website - www.securedbydesign.com

DEVON AND SOMERSET FIRE & RESCUE SERVICE - Means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2007. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for appliances should comply with approved document B5 of the Building Regulations 2007. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

PLANNING POLICY –

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.

Application number 14/13/0006 is for full planning permission and consequently officers do consider it necessary to comment further. When this site has been previously considered for allocation it has been on the basis that access would be secured through the adjacent David Wilson development.

The Policy Team has a number of concerns, namely:

- a. Access from the site is over 120 m from Hyde Lane, and the access road to the site has no frontage development along it (c.f. Figure 1.2 in *Manual for Streets*).
- b. The form of development shown does not accord with good design practice as recommended in *Manual for Streets*. It is essentially a highway engineer's road layout with houses dispersed around it, rather than the creation of recognisable public space defined by building lines and the means of enclosure to individual properties. This is a very out-of-date approach given that *Manual for Streets* was published in 2007.
- c. The overall result will be anonymity, without the appropriate local character for a village location, and poor quality public space.

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.

Whilst the principle of development on both sites may be in accord with policy SP1 of the Core Strategy I am concerned that application 14/13/0006, is of a poor design quality and not in accordance with the principles of good design set out in the NPPF. As a 'full' application it is therefore considered that the adverse impacts of granting permission would outweigh the benefits, contrary to the presumption in

favour of sustainable development set out in the NPPF and Core Strategy policy SD1.

Representations

Ward Cllrs object on basis of access being poor and adjacent to primary school that already has serious parking issues. Traffic including construction vehicles could dangerously impact on people's lives.

County Cllr Fothergill objects on grounds of this is above the proposed allocation to Creech St Michael under the Rural Development Centre plans, it will add significant strain to the already stretched local facilities, it will add a significant number of vehicle movements into Hyde lane and the village centre, the road junction could not be at a worse place next to the school, childrens centre and pre-school. There would be increased risk to children and their parents. Building on this site effectively prevents future development of the school and its facilities. The landscape impact is significantly detrimental.

54 letters of OBJECTION on grounds of

- Increase in vehicular use and congestion on Hyde Lane
- The new access will be used for dropping off and will lead to pedestrian danger
- Access inadequate with poor visibility
- Parking will affect sight lines
- Access will create more parking issues in the area
- Access should be via north-west corner of the site as better visibility
- Road outside of school too narrow for more development
- Increased vehicle movements will conflict with normal school and village life
- Service vehicles will add to traffic and already find it difficult to traverse Hyde Lane
- West View will become a rat run
- School car park will only be for staff and not reduce dropping off and picking up chaos
- Danger for parents and children
- Danger to pre-school as it is on a corner with the site
- Concern over safety at school/pre-school entrance
- No pedestrian railings or crossing on new access road
- Additional school parking spaces are unlikely to alleviate problems at school drop off/pick up time.
- Congestion at peak times
- Danger for children walking and cycling to school
- A safe route to Heathfield School must be provided

- The route to the Doctor's surgery is hazardous enough with thoughtless parking, traffic and inadequate pavements
 - Provision should be made to improve the pedestrian/cycle route to the secondary school
 - Danger for cyclists and pedestrians on Hyde Lane
 - Lane not designed to take construction vehicles and a link to the A38 at Hyde Lane Cottages could take construction traffic
-
- Too much development too soon
 - Already had fair share of housing
 - Infrastructure of village at breaking point and not capable of supporting the development
 - Primary school cannot take more pupils
 - Provision should be made for additional capacity at the primary school
 - Pre-school is at capacity and oversubscribed
 - School will not be able to expand and part of site should be used for classrooms
 - Developer should donate the access strip to the school and find a different access
 - Overloading medical centre
-
- NPPF states permission should be refused for development of poor design
 - Development should respond to local character
 - Development is urban as indicated in the design & access statement
 - 3 storey house designs inappropriate
 - No need for so many 4 & 5 bedroom houses
 - Houses should have solar panels
 - Potential future extensions and patios will affect drainage and existing properties
 - Crime has not been considered
 - 2m fence to rear of 15-25 West View should be provided with no tree/shrub planting
 - Impact on line of footpath
 - School will be overlooked by dwellings
-
- Increased surface water flood risk
 - It will increase potential flooding elsewhere
 - The road to Ruishton and Hyde Lane floods
 - Catchment area at capacity and no new development should be allowed
 - The sewerage network is at capacity
-
- Disturbance to wildlife
 - Loss of countryside, wildlife and damage to the environment
 - Road and school improvements should be in place before dwellings are occupied

- Noise pollution
- Pollution from car fumes
- Impact of pollution on pre-school and school
- Access will increase noise and light pollution to West View properties
- Vehicle lights will affect amenity in gardens
- Concern over loss of privacy and overlooking
- Too close to West View
- Original layout preferable
- Screening required at bottom of gardens for privacy
- Local views are ignored
- Potential problem if school car park left open out of hours
- Alternative site south of Hyde Lane preferable
- Culture, atmosphere and ethos of life will be lost
- Loss of farmland
- Loss of 'green and pleasant' land
- Lack of jobs for new owners
- Nuisance and disturbance from construction activities
- Disruption to school during construction
- Construction work should be carried out outside of school hours
- Noise levels and dust should be controlled
- Concern over responsibilities for boundaries in the future
- Builders should be CRB checked
- Loss of house value

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 Persumption 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,
EN6 - TDBCLP -Protection of Trees, HISTORIC,

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)	£59,349
Somerset County Council (Upper Tier Authority)	£14,837

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£356,092
Somerset County Council (Upper Tier Authority)	£89,023

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the policy issues, sustainable location, design, 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 adjacent 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 prejudge or prejudice 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 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, like the current proposal lie outside of existing settlement limits. While the principle of development may accord with policy SP1 of the Core Strategy other detailed issues have to be considered.

The following sections consider the impacts of the proposed development.

Sustainable Development and Design

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. The proposal is amended for 55 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 a cycle route along the canal.

The site lies to the rear of the primary school and access is proposed via a new road access onto Hyde Lane. An alternative access to the north west has been suggested, however this cycle route is not wide enough to give two way traffic and is not controlled by the applicant to secure the necessary access width. The Policy Section consider the access is not ideal and that the layout does not accord with Manual for Streets and is overly engineered. The proposed access and layout however is considered suitable by the Highway Authority and gives access to an estate of largely detached family dwellings that are two storey in character and are considered of an acceptable design and materials that reflect the scheme previously granted and constructed to the west.

Landscape and Biodiversity Impact

The site is a slightly sloping field bounded by hedgerows on three sides and lies to the north of the primary school

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 northern boundary and a condition to protect and preserve wildlife is also proposed. The landscape along the northern boundary has been widened by 3m to address the concern raised by the Landscape Officer and the construction area has been amended to avoid building and road construction conflicting with tree root protection areas.

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 (£134,827) and secondary education (£147,752) and this would be secured by a Section 106 legal agreement. The County Officer has also confirmed that the existing site is sufficient to provide the necessary additional accommodation without more 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 layout it is considered that such facilities should be provided on the nearby recreation area. This will require a contribution of £1434 per dwelling towards the provision of outdoor active recreation and a contribution of £2668 per dwelling towards the provision of children's play facilities. Such contributions would be index linked and secured through a Section 106 agreement.

In addition to the above there is a requirement for allotment provision and community hall facilities. The applicant is willing to pay the appropriate contribution per house for allotment provision and it is considered that the Section 106 will be required to secure this. There is also a request for community hall facilities which should be open to everyone and this contribution can be secured through 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 14 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 as 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. A condition to ensure an appropriate scheme is recommended by Wessex Water.

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. The Environment Agency has objected to this scheme as it increases water volumes draining to the existing ditch network which could lead to flooding elsewhere. In light of this objection scheme has been amended to provide a larger attenuation pond on site separated from the ditch network. The revised proposal has been considered by the Environment Agency and is considered to be acceptable on this basis. The design of the pond takes on board the design requirements of the Open Spaces Manager concerning the need for fencing.

Access and Highway Safety

The access to the site is proposed via Hyde Lane with a junction next to the Pre-school site. The applicant also maintains the footpath link to the north and provides footpath/cycle links to the west to access the recreation ground. A new car park specific for school users is proposed in an attempt to reduce parking on Hyde Lane. This is supported by the Education Authority and the Highway Authority. The Highway Authority are satisfied with access and capacity of the road to take the additional traffic generated and also with the safety of the new junction onto Hyde Lane. Despite local concerns the comments of the Highway Authority do not give support to a refusal on highway safety grounds.

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 many of objectors. The Highway Authority recommend contributions from this site to address the highway safety concerns on the route to the secondary school and it is considered that this is a reasonable request which should be applied. 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.

Other Issues

The receipt of the New Homes Bonus is noted, however it is considered that this matter carries limited weight in this instance. Security concern over the rear boundary of the West View properties is being addressed by a new 1.8m boundary fence.

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, 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 or harm which would significantly and demonstrably outweigh the benefits. While there is strong local objection to this scheme particularly on highway safety and flooding grounds, in light of the statutory consultee responses, I do not consider that there are grounds to object to the proposal. While there are design issues with the layout this partly stems from the access location to the site which I do not consider can be overcome. The question is whether these design layout issues are sufficient grounds to object to the scheme. I believe that the benefits, including need for housing, outweigh any harm that may be caused in this 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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