

WEST OF ENGLAND DEVELOPMENTS (TAUNTON)

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT FOR 30 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AND ALLOTMENTS AT LAND TO THE NORTH WEST OF OVERLANDS, NORTH CURRY**

Grid Reference: 332227.125131

Outline Planning Permission

—

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 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 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

**RECOMMENDED CONDITION(S) (if applicable)**

Notes to Applicant

1. 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 30 houses, in 2 phases. The proposal shows a mixture of attached, semi-detached and terraced properties, 8 of which are clearly identified as affordable units (4 in each phase). The proposal shows a central spine road through the site with separate pedestrian movement channels. The southern part of the site includes an area for allotments. The north of the site has a large public open space allocated forming a buffer between the proposed dwellings and the adjacent grade II\* Listed Building - 'Manor Farm' other listed structures and the North Curry Conservation Area. Landscaping is indicated, with a strong emphasis on boundary hedging where the site would border the open countryside. However, the submitted layout is clearly only illustrative as the proposal seeks permission with all matters to be reserved.

Vehicular access into/out from the site is shown off Overlands only with further pedestrian access shown to the public footpath bordering the north of the site. No pedestrian or vehicular access is shown to Canterbury Drive.

The application states that the whole site would be developed in 2 phases. Phase 1 has 18 dwellings and is the part of the site in the south-eastern portion of the development proposal. Phase 2 is in the north-west of the proposed site and has 12 dwellings. The planning statement accompanying the proposal states that there would be a period of at least 5 years between the completion of phase 1 and the commencement of phase 2.

The application includes a Design and Access statement/Planning Statement, a flood risk assessment, an ecological survey, a tree survey, vegetation appraisal and constraints, a travel plan statement, and a transport statement.

## **SITE DESCRIPTION AND HISTORY**

The proposal site is an area of land of approximately 2.34 hectares in size, to the south of the public footpath linking Stoke Road with Overlands and running parallel with White Street, on the south-eastern edge of North Curry.

The land is currently outside of the settlement limits as defined in the 'Settlements Limit Review' forming part of the Adopted Core Strategy for which a consultation process was undertaken earlier this year. However following a further consultation process on the allocation of sites for housing development, a further document entitled 'Consultation on Additional Potential Sites and Settlement Boundary Changes' has been produced which shows the current application site as being an additional potential site. This document is currently out for consultation.

There is no previous planning history of development proposals on this specific plot of land and no pre-application enquiry was made for the current proposal. However, the LPA is currently in receipt of two other applications for residential development in North Curry. Application 24/13/0036 seeks consent for 5 residential dwellings on land off White Street in North Curry and is also on this agenda. Application 24/13/0037 seeks outline planning permission for up to 45 residential units on land at Windmill Hill. Additional information received is currently being assessed on this application and the

matter should come before members at the second meeting in September.

Applications for Planning and Listed Building consent are also currently being considered for the conversion of outbuildings at Manor Farm, Stoke Road (immediately adjacent to the current application site) to form residential dwellings and ancillary uses. These are concurrent application and are awaiting an opinion from English Heritage (given that it affects Listed Buildings). So the decision is still pending.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - Have responded and make the following key recommendations:-

- Needs a flood attenuation scheme
- Needs a pedestrian access to village facilities and suggests along the line of 9 Acre Lane.
- Needs additional parking for vehicles in Overlands.

Would constitute 'overdevelopment' of the Overlands area, unless phase 2 is accessed through Canterbury Drive, and extra facilities provided at the school and the health centre.

*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.

The boundary of the site touches the settlement limit at three points; although these areas are at opposing ends of the site. North Curry has essential services and facilities, including primary school and village hall (both 880 metres from the site), post office & general store, pub as well as other retail uses including coffee shop, hair dressers (c.500m from the site). A bus stop is within 400 metres of the site; providing 13 services between 9:10 and 18:48 to Taunton.

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. This site was not proposed as a potential allocation during that consultation, as it had not been promoted to the Council.

Issues coming out of the consultation included: scale and proportion of development,

phasing of development, character and setting of the village, traffic impacts on already congested roads and as a result of new development, flood risk, capacity of existing services & facilities.

The site was promoted to the Council in March 2013. It has since been published as part of the Additional Potential Sites Consultation which runs until 9th August 2013. After the consultation closes the Council will review all 15 sites promoted in North Curry. A significant number of these sites will not be needed and given the number of sites, the sensitivities about development in North Curry and 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 in arriving 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.

*SCC - TRANSPORT DEVELOPMENT GROUP – no objection*

#### Traffic Impact.

An AM peak survey has been carried out at the assess potential trip generation. From this the applicant has estimated that the trip generation for the proposed residential development would be approximately 20 movements per peak hour. This is considered to be reasonably consistent with what would be derived from TRICS. Therefore the Highway Authority is satisfied that the estimated levels of vehicle movements are considered reasonable.

There are some narrow points along White Street however forward visibility is relatively good. Whilst the additional traffic from the development may mean occasional additional delay, it is doubtful whether the impact could be considered sufficiently severe to raise objection on traffic impact grounds. However careful consideration should be given to the impact of additional traffic on non-motorised users.

Consideration of existing pedestrian and cycling facilities, and public transport, are considered in paragraph 2.12 onwards of the Transport Statement. However the TS avoids the issue of the lack of a footway at the northern end of White Street or on Stoke Road. Whilst an alternative public footpath is mentioned, its suitability in darkness or poor weather should be questioned. It is therefore far from obvious that access for non-motorised users, particularly pedestrians, to the centre of North Curry is suitable. As the proposal will generated additional traffic onto the network it is likely that this issue will be exacerbated. Under these circumstances the Highway Authority would expect the TS to propose mitigation measures to overcome this issue.

As this is an outline application the applicant has stated that all car parking and cycle parking will be in line with Somerset County Council's Parking Strategy. The applicant is urged to also take into account of Somerset County Council's requirements for the need for motorcycle parking and also electric charging points.

Therefore to conclude in terms of traffic impact it is unlikely that the level of movements proposed would be considered significant enough to justify an objection

on these grounds. However the further consideration should be given to the potential impact on pedestrians and other road users and would also require the applicant to look at whether there are any mitigation measures that can be applied that would address these concerns.

### Travel Plan

There are still a number of outstanding issues. The Travel Plan Management Fund budget is to implement the ongoing promotional measures, such as the Sustainable Travel events, and not to implement the physical infrastructure, Green Travel Vouchers, or other measures that will be in place/prepared prior to occupation. The proposed contribution per household would not be near sufficient to cover these measures. It is suggested that a budget of £500 per annum (£2,500 over the five year TP period) should be made available for the Travel Events and any additional printing costs etc.

In terms of the Site Specific Travel Information Leaflet at present there is no commitment from the applicant to provide this.

The proposed Notice Board should be provided during construction/prior to first occupation

The inclusion of Electric Vehicle Charging points within the Action Plan does not provide a strong enough commitment. The Highway Authority requires the installation of EVC points and this point is clarified in Somerset County Council's Parking Strategy. The number of motorcycle parking spaces has now been provided, but there is still no commitment to ground anchors for locking vehicles to. These should be provided during construction.

There has been some additional information provided for cycle parking, but still not enough detail on whether the enclosures will be of a sufficient size to accommodate the number of cycles to be stored inside them – i.e. garages should have at least 1500mm access between the side of the car and wall of the garage, and for storage, an additional 1000mm length (min) or 650mm width (min). The TPS should also cover size and access to sheds (which should be hard standing access and have Sheffield stands inside. These should be provided during construction.

Please note that the Highway Authority would require any future submission to take into account the details set out above and the Travel Plan as agreed will need to form part of any S106 agreement for this site.

### Estate Roads

The applicant should be aware that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. At the point where the development will tie into the existing carriageway, allowances shall be made to resurface the full width of Overlands where it is disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may have to be taken to ascertain the thicknesses of the existing bituminous macadam layers. The applicant should also make sure that the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its

junction with Overlands. At the point where the proposed development joins Overlands there will need to be a 6.0m junction radii together with visibility splays based on dimensions of 2.4m x 43m in either direction. There shall be no obstruction to visibility greater than 300mm above the adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council.

The application site appears to consist of two separate phases. If there is to be a delay in the commencement of phase 2 after the completion of phase 1, then it will be necessary for a temporary turning head to be constructed at the end of phase 1 the dimensions for which are set out in the 'Estate Roads in Somerset – Design Guidance Notes'.

Plots 1-3 within phase 2, appear to be served via a private drive. The applicant should note that current Somerset County Council Policy states that only two dwellings should be served via a private drive. The extent of adoption between plots 6 and 7, to obtain a suitably turning head, will need to be agreed during the S38 agreement audit process. In general terms the applicant should make sure that no doors, gates, low-level windows, utility boxes down pipes or porches are to obstruct footways/shared surface roads. The adopted Highway shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps.

To satisfy Advance Payments Code (APC) legislation, the proposed footpath link that runs along the northern and western boundaries of plots 26-30 could be adopted by Somerset County Council. It will need to be suitably constructed, drained and lit. The site will need to provide adoptable forward visibility splays based on a length of 14m, will be required on the inside of all carriageway bends throughout. There shall be no obstruction to visibility greater than 600mm above adjoining carriageway level within these areas.

The applicant will need to apply for a Section 50 licence under the NRSWA (Sewer Connections) 1991 to undertake work within or adjoining the public highway. The applicant would need details on the surface drainage for the site. The applicant should not presume that a right of connection to an existing highway drain will be granted. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Finally surface water from all private areas, including parking bays and drives will not be permitted to discharge onto the prospective public highway.

The Highway Authority has assumed that the parking court yards between plots 6 & 7, plot 12 and allotment 1, to the north of allotments 5 & 6 and between plots 17 & 18 will remain within private ownership. The width of the entrances to these areas should be a minimum of 4.1m to allow for two-way vehicle passing. The applicant should also make sure that all private drives serving garages shall be constructed to a minimum length of 6.0m. Tandem parking bays should be a minimum of 10.5m in length and any parking bays immediately in front of any form of structure shall be a minimum of 5.5m in length.

From reviewing the plans the Highway Authority has aspirations for the potential to provide a footway/cycleway link onto Canterbury Drive, although this might not be

achievable due to potential land ownership issues.

### Flood Risk Assessment

As the site currently contains no formal surface water drainage system the proposed surface water management strategy is to discharge surface water run-off into the ground via permeable paving and soakaways. It should be noted however that the Highway Authority will not consider adoption of a road constructed as a permeable pavement and therefore should the roads be offered for adoption then an alternative means of surface water disposal should be considered.

### Conclusions and Recommendation

Therefore to conclude the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. However the applicant is urged to take account of the increase in vehicle movements on pedestrians and other road users. In terms of the Travel Plan the applicant will need to address the points raised and submit an amended version. The Travel Plan would need to be secured via a legal agreement. Finally in terms of the estate road layout, it is accepted that this is an outline application, but the applicant is urged to take into account the comments made above before submitting more detailed drawings.

Therefore based on the above information no objection is raised to this proposal but if the LPA were minded to grant planning permission the following conditions will be required:-

1. The appropriate cleaning of contractors vehicles leaving the site so as not to emit dust or deposit mud, slurry or other debris on the highway.
2. The proposed estate roads and accompanying highways facilities to be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.
3. The proposed roads, including footpaths and turning spaces shall be constructed to ensure that each dwelling is properly served before it is occupied.
4. The gradients of the proposed drives to the dwellings shall be no steeper than 1 in 10.
5. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained and a drainage scheme submitted to and approved in writing by the Local Planning Authority.
6. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, and then implemented in full.
7. There shall be an area of hard standing at least 6m in length where the doors are of an up-and-over type.

*COMMUNITY LEISURE* - Requires the provision of 600 sq. m. of both equipped and non-equipped children's play facilities. The existing village facilities are in excess of the prescribed maximum walking distance for the under 8's and so could not be considered for a financial contribution towards improvement/expansion. On this basis, a 'LEAP' (an unsupervised play area equipped for children of early school age) should be provided on site to a size of at least 400 sq. m. with the balance (200 sq. m.) being

made available for general play.

In addition, contributions would be required as follows:-

- £1,574 per dwelling towards active outdoor recreation;
- Provision of land for allotments (as proposed);
- £1,208 per dwelling towards local community hall facilities; and
- a public art contribution (either through commissioning and then integrating it into the public realm or by a commuted sum) to a value of 1% of development costs.

*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% shared ownership. The affordable housing mix has been discussed with the applicant and an indicative mix is:-

Social rented

2 x 1b2p maisonettes with own entrance and separate bathroom (not ensuite from bedroom)

2 x 2b4p house

1 x 3b5p house

Shared ownership

2 x 2b4p house

1 x 3b5p house

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

It is recommended that a local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

*CONSERVATION* - As originally submitted, the Conservation officer commented that he could not support the application because of the inadequate information included with the 'Heritage Impact Statement'. He noted that this is a sensitive site as it adjoins North Curry Conservation Area and there are a number of listed buildings nearby. Most affected would be the adjoining Manor Farm which is grade II\*. However, on the basis of a revised 'Heritage Impact Statement' the Conservation Officer has withdrawn his concerns stating that on balance it is his opinion that the Listed Building would not be harmed by the proposal, and although its setting would be affected, this has already been compromised by land sales and other development. The Conservation Area would not be adversely affected by the proposal.



*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* – E.H. note that the proposal site is immediately adjacent to the grade II\* listed Manor Farm, and there are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. On this basis, E.H. see the site as being sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets. They stated that the originally submitted ‘Statement of Historic Significance’ did not give any information upon which to assess the impact of the proposals upon the heritage assets. Without significantly better information, they recommended refusal, on the basis that it has not been proven that the proposal would not have a detrimental affect upon the grade II\* building and possibly other heritage assets.

The applicant has now commissioned and submitted a new Statement of Historic Significance. E.H. highlight the heritage significance of Manor Farmhouse as including its location at the periphery of North Curry and its historic role as an agricultural entity at the edge of the village. The ancillary buildings surrounding the site provide its immediate working farmstead setting, while the open character of the land surrounding the farm defines its relationship with the historic agricultural land holdings, thus forming its wider setting. It is acknowledged that this land is no longer in the ownership of Manor Farm; however its open character preserves an understanding of the farms original outlying location and the historical association it once had with the wider landscape. The applicants have acknowledged the potential for this development to impact negatively on Manor Farm, a result of which is the inclusion of a green buffer in the sites layout plan. In our opinion this buffer will do little to mitigate the harm caused by the loss of the open landscape surrounding the heritage asset. A development of this size will see the village extended southwards, enveloping the farmstead and separating it from its agricultural setting. The cumulative impact of previous development to the east of the site has already had a substantial impact on the setting of the building and it is therefore felt that any further encroachment should be resisted.

E.H. also make the point that the proposal is currently being reviewed as part of the Planning Policy processes, and that this application does not conform to the process as well as being contrary to adopted policies CP8, SP1 and DM1 of the adopted core strategy

E.H. conclude that the proposal should be refused for the following reason:

A development of this size and position should be resisted due to the level of harm it would cause to the significance of the Grade II\* listed Manor Farmhouse and its setting. The development will alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. It is also our understanding that this development does not comply with the Taunton Deane Borough Council Strategic Policies as detailed above and should not be granted permission on this basis.

*NATURAL ENGLAND* - If carried out as proposed, the proposal would not affect North Curry Meadow SSSI. No objection to proposal as it is unlikely to affect any European protected species. The Developer would however need to use the

'Protected Species Standing advice'. Also recommends the applicant considers opportunities for enhancing biodiversity and enhancing the character and local distinctiveness of the surrounding natural environment.

**BIODIVERSITY** - The proposal is for an outline application for residential development of 30 dwellings and associated public space and allotments at Overlands, North Curry. The site consists of improved grassland surrounded by species poor hedgerows. Michael Woods Associates carried out an Ecological Survey of the site in May 2013.

Findings of the report are as follows

Protected sites - North Curry Meadow SSSI is located 0.5km to the east, Curry and Hay Moors SSSI is located 1 km to the north and West Sedgemoor SSSI is located 1km to the south east

Badgers - Two badger runs were noted and a badger dung pit, which indicate use of the site by badgers

No active badger setts were found on site but the surveyor found an old sett along the west hedgerow, occupied by fox. I support the proposal to monitor this sett.

Provided that badgers do not move back to the sett it can be closed without a licence. In the absence of badgers a precautionary approach involving the installation of one way gates and regular monitoring visits are needed until the ecologist is certain that the foxes have left. If badgers move back to the sett, it can only be closed between July and November with a licence.

Bats - There were no trees on site suitable for roosting bats; however commuting and foraging bats are likely to use the grassland and hedgerows. Any lighting should be sensitively designed.

Dormice - Hedgerows on site are not characteristic of dormice habitat and there is a lack of connectivity to the wider countryside.

Amphibians - There were no ponds on site and the land was intensively farmed offering little potential for Greater Crested Newts

Land immediately to the west (pasture beneath a redundant orchard) as well as the hedgerows on site may provide suitable terrestrial habitat for amphibians

Reptiles - The hedgerows and field margins have potential to support slow worms

Birds - Hedgerows on site provide potential for nesting and foraging birds. The field habitats were considered unsuitable for ground nesting birds. Any vegetation clearance should take place outside of the bird nesting season

I support the ecological enhancements made in the report and suggest the a planning condition for protected species:

**SOMERSET WILDLIFE TRUST** - In general we would support the findings in that

survey. In particular we would fully support the proposed enhancements specified at 6.5.3, 6.5.1 (duplicated numbering here), 6.5.4, 6.5.7 and 6.5.8. These include the provision of bat and bird boxes, the use of species-rich grass seed in the proposed parkland/grassland area and the enhancement of the hedgerows with native trees and other plants. We would also fully support the proposal at 6.4.8 which says that external lighting should be kept to a minimum in order to prevent disturbance to local bat populations. We would request that all of these proposals should be incorporated into the Planning Conditions, if it should be decided to grant Planning Permission.

*ENVIRONMENT AGENCY* - Initially raised objection to the application because they considered that the risks of increased flooding to and from the site had not been adequately assessed or addressed. Thus the application did not meet the requirements of the NPPF or the Council's Adopted Core Strategy policy CP8. The Flood Risk Assessment (FRA) had not given details or calculations to show how or indeed whether the proposed soakaways would work. The EA were not therefore certain on the likely flood risk to the proposed development itself and neighbouring existing uses that might arise from the proposal.

The required level of information and detail has now been submitted and on the basis of this new information EA now withdraw their previous objection subject to the following obligations and conditions being imposed upon any permission granted:

The applicant's agent Spring Consultancy have carried out investigations which indicate that some of the previous flooding issues in North Curry have been compounded by existing infrastructure at Manor Barton and Stoke Road. The capacity of this drainage system, which is intended to receive surface flows from the development, causes us concerns. We consider that even if flows from the development are severely restricted, this will not mitigate flood risk if the system is almost totally blocked. We do, however, consider that there could be a viable package of off-site improvements which could both alleviate the existing surface water experienced and ensure that flows from the new development can be safely managed once they have left the site. Such a scheme should be secured within a Section 106 Agreement attached to any permission, with responsibility for delivering and maintaining these works clearly set out. The details of any improvement scheme should be agreed in consultation with your Drainage Engineer and the Lead Local Flood Authority (Flood Manager Steve Webster at Somerset County Council). The principles of such a scheme are set out in Spring Consultancy's email of 29 July 2013 and include replacing the pipe in Manor Barton with one at Manor Farm, ultimately leading to a stone culvert (which has its own maintenance issues) in Stoke Road. This would not prevent flooding on Stoke Road, but it would improve conveyance, which would in turn mean any flooding is shallower and not as pro-longed. We do ask the obvious question of whether there is a scheme which could direct flows back into the drainage system and avoid overland flooding of Stoke Road. This could be investigated as part of any detailed scheme.

In addition to the above, surface water rates and volumes will still need to be managed on site through the following planning condition:- "No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall ensure that surface water run-off is attenuated on

site at a rate no greater than 2 litres per second per hectare. The strategy shall include details of phasing, and maintenance following completion. The development shall subsequently be constructed and maintained in accordance with the details approved".

REASON: To ensure that flood risk is not increased by attenuating both surface water rates and volumes through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

*SOMERSET DRAINAGE BOARD* - The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the Moor area of West Sedgemoor and ultimately onto the River Paret. The Board would hope to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The Environment Agency will also need to agree the design principles of the surface water strategy and if appropriate consent any modification.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system and at least mimic the existing 'greenfield run-off' from the land, with an emphasis on betterment and any variation or modification will need to be agreed. Particular attention should be paid to the control of the volume of the discharge from the proposed site as well as flow rates.

The Board would suggest and encourage the use of Sustainable Urban Drainage Systems (SUDS) within the surface water disposal design strategy, with emphasis on the use of infiltration techniques to reduce the impact on the downstream receiving systems. The site would appear to provide good opportunities for communal SUDS arrangements to be designed and operated in tandem with the public open space. Any scheme proposal must be robust and maintainable to ensure agreed and restricted run-off to the receiving systems.

Within the FRA produced to support the application there are a number of likely surface water disposal measures proposed. Any surface water strategy is not complete until the maintenance liabilities of the various parts of the proposed surface water strategy including any storage facilities are clearly identified. Details of the design and the liability of the of the various surface water drainage infrastructure will need to be included within the design and the strategy maintenance of storage volumes be maintained to the highest standard to ensure uncontrolled discharges are not experienced.

*SCC DRAINAGE ENGINEER* - Objected to the proposal as originally submitted on the following grounds:-

- No porosity tests have been carried out to ascertain whether or not the suggested soakaways and permeable paving would be a suitable means of treating surface water flows on site. Wessex Water have confirmed the availability of surface water sewers but there is a limit on the receiving capacity. Some form of on site attenuation may be necessary.
- 'SUDS' solutions have not been investigated.
- Overland flow exceedence routes indicate that flows are directed towards existing housing.
- No details are included on how any surface water drainage system is to be maintained for the lifetime of the development.

The Drainage Engineer has been consulted on the revised detail now submitted and concludes that there appears to be ways forward to deal with surface water run off from the site. There are in fact several viable options now put forward. The County Engineer is happy that these could be covered by a condition attached to any planning approval granted. This condition should request that a full surface water drainage design package be submitted to and agreed by the Borough Council, the County Council and the Environment Agency before any works commence on site.

*SCC - ARCHAEOLOGIST* - There are no records of any archaeological activity on site as it lies outside of the medieval core of the village and I see no evidence of prehistoric or Roman activity nearby. Therefore, it appears that there are no archaeological issues on this site.

*SCC - RIGHTS OF WAY GROUP* - Confirms the existence of Public Rights of Way (PRoW) over the site. Reminds that either a stopping up or diversion order would be required before the development could proceed and that the PRoW must remain open and available until the Order has come into effect.

#### *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 6 pupils arising from 30 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, so the number of pupils arising here would be 5. 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, which equates to £92,345.

### 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. However, we would not be seeking contributions in this particular case.

## **Representations**

There have been many representations received in connection with this application - 71 representations in OBJECTION and 6 representations in SUPPORT or general agreement.

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."*

Members of the public who have written in OBJECTING to the proposal have expressed the following views:-

### Flooding issues

- The land is prone to flooding (e.g. last winter)
- Need to see an engineering solution for drainage and flooding
- Flood risk assessment is incomplete and makes flawed assumptions
- No percolation tests have been undertaken to determine the nature and extent of any SUDS scheme

- FRA relies upon cursory inspections and out of date information
- There are inaccuracies in the FRA
- There is a concentration of springs rising in the area
- Parts of Stoke Road often flood making the road completely impassable. This will worsen with increased traffic flow and the water runoff from the proposed site.
- The problems with flooding lay with poor drainage at Home Meadow
- Who will maintain the attenuation pond and keep it rubbish free

### Highways and transportation issues

- The proposal will lead to congestion in the area
- The lanes are too narrow, overcrowded and dangerous now without adding 60 or 70 more vehicles.
- A358 Taunton to Ilminster road is already overburdened at peak hours
- A possible future link to Canterbury Drive is unacceptable
- Increased traffic down White Street would be a hazard
- Building works and builders traffic will cause problems
- The proposed entrance/exit is not good enough
- The installation of cross-roads at the end of Overlands is unacceptable
- Quality of existing road at Overlands would not take the extra traffic proposed
- Having only 1 point of access, through Overlands to White Street is unacceptable
- Access would be better off Canterbury Drive than Overlands
- Travel plan says Overlands serves 16 dwellings but in fact it is 23
- There is no safe pedestrian route from the site to the village centre
- Most new residents would commute and the additional traffic would be too much for the existing roads into and out of the village
- The school and health centre cannot cope with existing vehicular demand without additional demands
- The site is not within an acceptable walking distance of the village facilities
- White Street is missing pavements
- Children walking to school from Overlands would be at increased risk due to an increase in vehicles and lack of footpaths
- Public transport provision in the village is poor
- Needs good public access to foster community cohesion and security
- Proposal would result in the loss of footpath north-east to south-west across the site
- Stoke Road has no street lighting

### Visual and amenity issues

- Loss of countryside amenity
- This is not in keeping with the village
- The visual impact of the development will alter the character of North Curry
- Smaller parcels of development as espoused in the Parish Plan would blend in with the character of the village, not change it.
- Houses should be in the south and the open space/allotments in the north to keep all of the houses together
- layout needs to be firmed up so it can be shown to meet Parish and Borough design standards
- Development will detract from views to the south
- Undue impact on 8, 9, 11 and 12 Overlands
- This massive development is not complimentary to the conservation status of much of the village

## Planning policy issues

- The proposal is premature as not part of original SADMPP (Jan 2013) or SHLAA (2011) and so the application should be withdrawn, reconsultation undertaken and then the proposal could be resubmitted
- The proposal makes a mockery of the Parish Council survey and the Borough's Core Strategy
- In the spirit of "localism" the Council has put forward a strategy that reflects local priorities and aspirations and delivers real benefits to local communities
- Vision before strategy before detailed plans
- Local views are being ignored, particularly as expressed in the parish Plan
- 30 units would take up the complete Minor Rural Centres allocation for North Curry
- The combination of all the proposals for housing in North Curry would use up on-third of the 'Rural Centres' allocation which is intended for 5 villages
- Was not shown on the village plan drawn up by the parish Council which favours small infill sites and not large estates
- There is no evidence of need for this development in the district plan and this will lead to deleterious development
- There are better sites for development identified in the Parish Plan
- This is virgin farmland outside of the settlement policy area
- Large sudden growth would destroy the village. Needs to be smaller organic growth as per the Parish Plan
- The NPPF requires Councils to favour brownfield sites for new development, especially housing
- This is a greenfield site
- The proposal is contrary to policy CP5 and SP1 because the developer has made no effort to pay for the expanded facilities required
- It appears that the Council has failed to introduce a Local Plan that would regulate development
- We expect the Council to follow the intent of the Localism Act 2011 and allow communities to say where new development should go and what it should look like
- Wants assurance that no decisions will be made relevant to North Curry until the new local plan is in place
- There is no requirement for the homes to be built as soon as possible
- We want the Parish Council development plan to be adopted as this represents the democratic views of local residents

## Capacity issues

- This is too many houses for the village; The scale is too large
- With all the other planned developments, this proposal will be too much for North Curry
- The infrastructure in North Curry is not suitable for such sudden growth
- The road, sewerage and drainage systems are already overloaded
- There is not enough space at the local school for additional family homes
- Can the school site provide an additional classroom?
- Health centre is already at capacity
- Existing village facilities are overstretched
- Small developments of 1 or 2 houses on brownfield sites maybe acceptable, but this large development should not go ahead
- The decision to make the village a growth area is 'based on trumped up criteria and



complete incompetence'.

### Biodiversity and wildlife issues

- Impact on wildlife - there are badgers and bats present
- Land was traditional pasture supporting a lot of fauna and flora

### General and other issues

- The housing proposed is too dense and the rate of development would be too fast
- 4 additional affordable units is not fair trade for the loss of the countryside
- The proposal is of no benefit to the local community
- Does not address the general principles of the Parish Plan
- The overwhelming response from Parishioners when consulted as part of the Parish Plan was for a number of small sites over a 15 year period
- The applications at North Curry should be considered holistically rather than on an individual basis
- The prospect of this number of houses being built is totally disproportionate and will risk a wholly disproportionate threat to the stability and social cohesion of the village
- Could the levies (*money gained from approving the scheme - s106, New Homes Bonus etc*) be clouding judgement?
- Must protect the historic and townscape setting of the grade II\* farmhouse and buildings
- How would TDBC enforce the proposed phasing
- Need arrangements for the upkeep and management of allotments and Public Open Space
- The boundary between the site and no. 12 Overlands is the fence not the hedge.
- Incorrect boundary demarcation with Manor Farm
- The proposal does not heed the opinions of locals
- The Parish Council knows what is best for the village as most of them have lived here for a long time
- "Many people feel powerless in the face of the dominance of the Taunton Deane Planning Authority"
- Should be considered alongside other proposals for North Curry
- Should be dealt with at Committee
- There is a huge void between the local scene in North Curry and the Committee Room somewhere in Taunton
- If outline planning permission is given then full planning permission becomes a formality
- Villages like North Curry are part of the historic, scenic and social fabric of the country and should not be built over, suburbanized and ruined by growth
- A duty of care is incumbent upon the Council particularly on the issue of flooding
- The wishes of those who live in North Curry should be taken into consideration

Of those letters generally in SUPPORT the following views have been expressed:-

- The land is logical for development as it is well located to services and facilities
- 30 dwellings at 2.43 dwellings per hectare equals 13 dwellings per hectare which is appropriate for a village like North Curry
- The overall density proposed is in keeping with other schemes for village development

- This is a sustainable location for development
- The development at Overlands might be acceptable as this could blend into the layout of the village
- Support s the proposal as it preserves the Listed barns and conserves features of Manor Farm
- No objections as the proposal will provide social housing, allotments and will not overlook existing properties
- The local community needs more affordable housing
- The village needs to continue to grow in order to support the school, shop and other local activities
- Scheme will give life to village school, shop and community in general
- Flooding is not resultant from this site but inadequacies with drainage on neighbouring sites
- "I support the application as it was recommended to me by Members of the Parish Council, and having elected this group, I trust them to make a considered decision on behalf of the village"
- The proposal is for a good sized development for the village, in a good location which can be sensitively incorporated into the village, with a well thought out layout
- Most items raised as objections can be dealt with by way of condition

## **PLANNING POLICIES**

S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),  
 EN15 - TDBCLP - Demolition Affecting Conservation (HISTORIC),  
 EN23 - TDBCLP - Areas of High Archaeological Potential,  
 ROW - Rights of Way,  
 EN14 - TDBCLP - Conservation Areas,  
 EN12 - TDBCLP - Landscape Character Areas,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

## **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) £ 34,612

Somerset County Council (Upper Tier Authority) £ 8,653

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £207,672

Somerset County Council (Upper Tier Authority) £ 51,918

## DETERMINING ISSUES AND CONSIDERATIONS

### Policy considerations

#### Local Plan Policy

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 poles 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 Cottford 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 newnet 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.

#### Flood risk and drainage.

Many of the representations express great concern on this issue. An initial consultation response has been received from the Environment Agency 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. This is much in line with the consultation comments received from both the Somerset Drainage Board Consortium and the Drainage Engineer at Somerset County Council. The Agent has addressed this issue and further drainage information, including infiltration tests, storage volume calculations, greenfield run-off rates and an overall drainage strategy plan, have been submitted. The Environment Agency has now withdrawn their objection on this basis, and are stating that the proposal would be acceptable subject to works which could be ensured by means of non-standard conditions attached to any planning approval.

Third party representations have consistently made the point that the land is liable to flood, citing last winter as a case in point. It is claimed that there are a springs rising in the area, which would contribute to any difficulties with flooding. The Agent is clearly of the opinion that any difficulties with flooding in the past are not as a result of drainage inadequacies within the application site. The Applicant has offered to improve the drainage in the lane to Manor Farm to overcome the problem in that area. He also refutes the existence of springs in the area stating that there is no evidence of this.

#### Impact on heritage assets (Listed Building & Conservation Area).

The County Senior Historic Environment Officer states that there are no records of any archaeological activity on the site, nor prehistoric or Roman activity nearby. On this

basis he is not objecting and there will be no need to place a 'watching brief' as a condition of any approval.

The proposal site is immediately adjacent to the grade II\* listed Manor Farm. The barns and cartshed some 10 metres west of Manor Farm are listed as grade II in their own right. There are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. These factors mean that the site is sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets.

The North Curry Conservation Area Appraisal Document (adopted and published in September 2007) identifies the adjacent conservation area as being within 'character zone 2', where "*a high proportion of buildings are of considerable size and massing, but well balanced by open space*". Building density tends to be low in zone 2. The document also identifies that one of the principal negative features upon the character and appearance of the Conservation Area is "*the development of modern houses around its fringes*". The document states that this has undermined the historic character and appearance of North Curry. It goes on to state that "*the volume of such housing (built as small estates as opposed to being individual pieces of infill) does mean that it has very perceptible impact upon the scene*". Any consideration of this current proposal will need to be mindful of such a negative outcome and ensure that it did not replicate the negativities of past development.

The starting point for such a consideration is always to review the submitted 'Statement of Historic Significance'. Although one did form part of the original submission, the document was somewhat perfunctory and did not give any information upon which to assess the impact of the proposals upon the heritage assets. The document should have explained the special qualities, character and significance of the neighbouring Listed Buildings and Conservation Area, summarising what is important about the buildings, place in general and its historical assets. Both English Heritage and the Council's Conservation Officer have advised that without significantly better information, they would recommend refusal on the basis that it has not been proven that the proposal would not have a detrimental affect upon the grade II\* building and possibly other heritage assets.

The Agent has subsequently commissioned a suitable qualified specialist to produce an appropriate and detailed 'Statement of Historic Significance', which has now been submitted for consideration. This document concludes that the proposal would sit comfortably adjacent to and adjoining the conservation area and would not be detrimental to its setting. It also concludes that the proposal would have little if any impact upon the significance (including setting) of Manor Farm house. The Heritage Impact Statement acknowledges that there would be some impact upon the other listed buildings given their proximity to the development, it states that they are far less significant than the Manor Farm house itself and so the impact upon their setting is considered to be acceptable causing little harm. Based on this the Council's Conservation Officer is not now raising any objection to the proposal.

However, English Heritage have a differing view and have concluded that the proposal should be refused for the following reason:

A development of this size and position should be resisted due to the level of harm it would cause to the significance of the Grade II\* listed Manor Farmhouse and its setting.

The development will alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting.

It is considered that this is a further issue which relates to the prematurity argument and the need to consider all potential impacts of each site as part of a comprehensive site selection process.

### 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 8 dwellings which will 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 are a couple of Public Rights of Way that affect this site. The primary route which is part of the East Deane Way, skirts the eastern boundary of the site. There is also a PRoW that traverses the middle of the bottom half of the site. The existence of these PRoW's is a valid and material consideration. The Agent has indicated that the applicant would seek a diversion order to realign the two PRoW's rather than seek a stopping up order, and has provided details of the proposed realignment in both cases. 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, and the local road network. The general gist of the concerns relate to the chosen point of access into the site and its perceived inadequacy due to poor highway widths along Overlands and White Street often as a result of parking on the road, together with areas of missing pavement along White Street and a lack of street lighting. The Parish Council have also expressed their written concern that the proposal would amount to an overdevelopment of the site unless access could be gained through Canterbury Drive for phase 2. Traffic calming measures would need to be incorporated into any street design if this were to be agreed in order to avoid the route being used as a 'rat-run'. The views of the Highway Authority are key and they have concluded that the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds

### 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, the Somerset Wildlife Trust, nor the Council's Biodiversity officer are raising any substantive objection. That said, there is general agreement that there will need to be a 'watching brief' particularly in respect of possible (or otherwise) badger activity from the identified badger runs, dung pit and old setts. 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 of these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey. The Agent has accepted this. However, the Agent has been made aware that if any further research required does show that the proposal would adversely impact upon any wildlife or protected species, then this could seriously impact upon the applicant's ability to implement the scheme (if permission were to be granted), or at the least may involve major expense and time in mitigation.

#### Phasing of development.

The application suggests completion of the proposal in two phases. The Design and Access Statement states that there would be at least a five year gap between the completion of phase 1 and the commencement of phase 2. The Agent maintains that this has been incorporated as part of the proposal because it was the way the Parish Council had indicated that development of the site should proceed. The Parish Council have not confirmed this in any correspondence with the LPA. Officers do not consider that the Council should commit to development that far in the future at this stage, particularly given that it is currently consulting on its preferred housing site allocation. If permission were to be granted, then this would have to be contingent on a comprehensive development, encompassing all of the issues and facilities referred to in the application, and this is unlikely to occur with such a long time split between each phase. In any event, planning applications are generally granted for either a 3 or 5 year time period and that is because circumstances and considerations can change quite considerably after that length of time. It is therefore not considered appropriate to agree to such a long delay in phase 2 starting.

The Agent has stated that the Applicant would prefer to stick to the phasing as stated in the submitted proposal, but would be prepared to consider a shorter or no time period, but had applied on the basis of a minimum of 5 years gap between phases in order to meet the requirements of the Parish Council.

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

The Council has not as yet adopted its Charging Schedule under the Community Infrastructure Levy Regulations. The draft charging schedule was examined in public on Wednesday 24<sup>th</sup> July, but the Examiners report is not likely to be published until September. Until that time, the Council will continue to ask for a contribution towards the cost of all on-site and off-site facilities that might be required in order to make the development acceptable. Such matters would need to be guaranteed by way of a Planning Obligation under s106 of the Town and Country Planning Act. This will necessitate a legal agreement in order to guarantee the items required. Such an agreement will need to be entered into before any planning permission could be issued.

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

Affordable Housing – The application suggests that 8 of the 30 proposed units should be affordable. This is in line with current Council policy CP4 of the Core Strategy. However, the legal agreement will need to confirm where these units should be positioned, and the exact form of tenure, all of which is detailed above in the comments

made by the Council's Housing Enabling Officer. The applicant has accepted this

Leisure and Recreation – This is charged on all developments of 6 houses or more, and so is applicable in this instance. The Community Leisure officer has pointed out that the walking distance to the existing play facility for the village adjacent to the school would be in excess of the required maximum walking distance for the under 8's, even if a link were gained through Canterbury Drive. Therefore the recommendation is that a Locally Equipped Area for Play (LEAP) for the under 8's of at least 400 sq. m. is provided on site, or the land allocated and money provided for the Council to provide such a facility. The Community Leisure Officer has also asked for a contribution of £1,574 per dwelling towards the provision of active outdoor recreation, and £1,208 per dwelling towards local community hall facilities. These figures would need to be index linked and spent in locations accessible to the occupants of the dwellings. A public art contribution is also 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 1% of the development costs. The applicant wishes to keep his options open by building into the Agreement the ability to either provide play facilities on site or by providing the relevant financial contribution towards an off-site facility. Legal advice will need to be obtained on whether it is possible to have such an 'either or' clause in a Planning Agreement.

Education – A common theme in the representations received is the fact that the existing village school is at capacity and would need to be expanded to cater for any increase in dwellings within the village. The Education Authority does not agree with this (see above). Whilst no contribution would be due for pre or primary school education, a contribution

Highways and Transportation – The observations of the Highway Authority are still awaited. Nevertheless, in addition to their standard technical comments, it is expected that they would cost any additional transportation infrastructure, traffic calming measures, footpath improvement schemes within the village, sustainable transportation measures and items within the agreed green travel plan that they may consider necessary to make your scheme acceptable. Early discussions with the Highway Authority indicate that there is unlikely to be much 'off-site' works required if at all.

Additional matters – It is considered that any legal agreement would also need to include measures for the provision and maintenance of the public open space and allotments that are being proposed. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. This is all agreed by the Applicant.

Any legal agreement that may be required (if Members are minded to grant permission) will also need to address the issue of phasing.

### Conclusion.

The Parish Council consider that the proposal would constitute 'overdevelopment' of the Overlands area, unless phase 2 is accessed through Canterbury Drive, and extra facilities provided at the school and the health centre. They also point to the need to improve flood attenuation, pedestrian access and parking as part of the proposal.

The Highway Authority concludes that the proposal is unlikely to have a significant traffic



impact to warrant an objection on these grounds. In terms of the Travel Plan the applicant will need to address the points raised and submit an amended version, which will eventually need to be secured via a legal agreement. In terms of the estate road layout, it is accepted that this is an outline application, but it is suggested that the plans should be altered to meet specific requirements. Basically, the Highway Authority is not raising any objection to this proposal but has suggested conditions to be applied should the LPA be minded to grant planning permission.

It is commonly agreed by the relevant experts that biodiversity issues could be overcome and dealt with by way of appropriately worded conditions, although a 'watching brief' would need to ensure that the identified badger setts remained inactive.

Those responsible for drainage have now agreed, following the submission of further evidence and details, that there would not be any substantive objection on drainage or flooding grounds, but a full drainage strategy would need to be submitted and approved before any development commenced (via an appropriately worded condition).

A diversion order would be needed to deal with the new line proposed for part of the Public Rights of Way.

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.

However there are still some consultees that remain unconvinced and are recommending refusal. English Heritage are still of the opinion that the proposal would cause harm to the Grade II\* listed Manor Farmhouse and its setting. The development would in their opinion alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. They also cite policy reasons for refusal.

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.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr. J. Burton Tel: 01823 356586**