

STRATEGIC LAND PARTNERSHIPS

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 35 NO. HOUSES, SCOUT HUT, RECREATIONAL OPEN SPACE AND ASSOCIATED WORKS AT LAND SOUTH OF HYDE LANE, CREECH ST MICHAEL**

Grid Reference: 326621.126032

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

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

- 25% Affordable Housing provision on site,
- Contribution of £85,799 towards primary education,
- Contribution of £92,345 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £2668 per dwelling towards the provision of children's play facilities,
- Contribution of £194 per dwelling for allotments or a reduction thereof if there is a partial provision made on site,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- provision of maintenance of the open space and flood attenuation area
- a contribution of £35,000 (or £1000 per plot) for the provision of a footway link to the secondary school,
- provision of footway link to Hollinsworth Park and the M5 bridge and
- Green Travel Plan measures

The proposed development of up to 35 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal is in accordance with the provisions of policy SD1 and SP1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the Local Plan.

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

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

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

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

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

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

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

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

4.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

Reason: To protect the environment by ensuring separation of clean and foul waters.

6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
  - details of which areas drain to which attenuation facility and the associated volumes projected
  - details of how the scheme shall be maintained and managed after completion

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both on and off site and ensure future maintenance of the surface water drainage system.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the submitted Sunflower international Ecological Consultancy's Ecological Mitigation report dated January 2012 and includes:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in

writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

8. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from road and other sources.

9. Proposals for the boundary treatment for the site adjacent to the M5 shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency, and then implemented prior to occupation of any development.

Reason: To ensure the safety of users of the motorway and that the integrity of the motorway boundary is protected.

10. Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.

Reason: In the interests of highway safety and to ensure construction impacts are managed appropriately.

11. Details of the noise levels for any pumping station to be provided on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed.

Reason: In the interest of the amenity of neighbouring properties in accordance with Taunton Deane Core Strategy policy DM1.

## Notes for compliance

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. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

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

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

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel L<sub>Amax</sub> applies in all bedrooms during the night (2300h to 0700h).

## **PROPOSAL**

The proposal is in outline application for the principle to erect up to 35 houses with associated parking, a scout hut and recreational open space and associated works at land south of Hyde Lane. Access is via an existing highway to the north with adequate visibility. The illustrative layout shows a mix of terraced, semi-detached and detached houses.

## **SITE DESCRIPTION AND HISTORY**

The site consists of an agricultural field surrounded by 4 established hedgerows.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WEST MONKTON PARISH COUNCIL* - The Parish Council has doubts regarding the effect of increased traffic on the existing road infrastructure, alternative access is needed.

*SCC - TRANSPORT DEVELOPMENT GROUP* - 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 or to the west to Hyde Lane Cottages where there are currently two alternatives to connect with the A38: either north of Brittons Ash or at Bathpool, south of the Taunton-Bridgwater canal.

Hyde Lane narrows and has no footways east of the M5 where its character is rural for some distance. 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. However closer to Hyde Lane cottages the corridor narrows and is bounded directly by mature hedges such that there is no opportunity for refuge for pedestrians from motorised traffic. The indirect alignment also means that in parts forward visibility between road users is also limited to the detriment of road safety.

There is substantial new development ongoing on the Taunton side of the M5 at Monkton Heathfield and it is proposed that the connection to Brittons Ash will be severed in the near future when a planning agreement development progress trigger point is reached to extend the Monkton Heathfield Eastern Relief Road (MHERR) currently under construction. The proposed closure of the lane, Brittons Ash, will have some impact on traffic movements, as some northbound traffic from this side of Creech St Michael is likely to re-route via the village centre and North End to reach the A38, which is a higher highway standard alternative route. A proportion of westbound traffic 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 a typical winding narrow country lane where drivers passing in opposite directions take turns, waiting at wider points, field gateways etc. To a degree its nature means that it is relatively self-enforcing in terms of traffic capacity and it is therefore, quite rightly, not at all attractive to drivers wishing to

travel between the A38, a County Route, and the A358, National Primary route which can be done on the minor road network through Creech St Michael.

Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane turning right onto Brittons Ash. This will remain the route to the school for pedestrians and cyclists after Brittons Ash has been severed and closed to other traffic. The Hyde Lane corridor between the M5 and the T-junction at Hyde Lane Cottages, whilst a direct route, is a poor quality environment for pedestrians and cyclists. The situation for pedestrians is likely to be exacerbated by traffic generated by any development between Creech St Michael and the M5. 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.

In detail, it is proposed to access the site where there is an existing short service road junction. Appropriate visibility splays appear to be available in each direction. The national speed limit applies at this point and therefore it may be appropriate to extend the 30mph speed limit to include the junction. The developer is offering to extend the footway from where it currently ends, so that there will be footway from the centre of Creech St Michael through the recently developed Hollinsworth Park (planning permission 14/09/0024 etc), across/to the access for the proposed development, and westwards to reach the motorway bridge which currently has footway.

The Transport Assessment accompanying the application is considered to be good with no significant omissions or areas of concern. A Travel Plan Statement is normally required for developments where 30 or more dwellings are proposed. Given the location of this development and its proximity to the villages of Creech St Michael, Monkton Heathfield and the County Town (Taunton) the developer is required to submit a travel plan following the guidance set out in the County Council's Manual for Travel Plans.

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

To resolve this there are two possible scenarios:

- 1) To refuse permission for the development on highway grounds; or
- 2) To require contributions from this and potential future developments to:
  - a) install interim traffic management measures; and
  - b) construct a footway 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 2<sup>nd</sup> option, to require contributions, is the most appropriate in these circumstances, being in addition to the requirement for a Travel Plan.

I would therefore not recommend the refusal of the application subject to the developer entering into an S106 agreement to secure:

- 1) Extension of footway along Hyde Lane to the M5 bridge;
- 2) Thirty-five thousand pounds (£35,000) 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

*HIGHWAYS AGENCY* - We have reviewed the information and concluded that the proposals will not have a significant detrimental impact on the M5. As the site abuts the M5 motorway we need to ensure that the landscaping planned for the boundary does not have unexpected consequences for us. To ensure this we are directing a condition to require details of the boundary treatment to be submitted to your Council and agreed in writing following consultation with ourselves in advance of any works being undertaken.

*CREECH ST MICHAEL PARISH COUNCIL* - The Parish Council view is that all such developer led applications should be put on hold until;

Highways improvements (road, footpath and lighting) out to West Monkton are in place.

That additional classrooms have been provided so that existing overcrowding in the school is resolved.

The PC receives a guarantee that the CSM parishioners with a need will have first priority to any sheltered or low cost homes provided by the developers.

The Parish Council would add that it welcomes the provision of a Scout Hut by this applicant.

*ENVIRONMENT AGENCY* -

Consider that outline planning permission could be granted for the proposed development if planning conditions secure a surface water drainage scheme based on sustainable drainage principles and details of how foul drainage will be disposed of.

*DRAINAGE ENGINEER* - I have looked at the EA's comments and would agree with their response and request for a condition.

*PARKS* - Public open space (POS) areas should not contain plots too small with no connection to the general open space. POS areas including hedgerows and wildlife corridors should be easily accessible for the purposes of maintenance and surface water attenuation ponds should have an adequate protection to avoid accidental entry, especially by children. Details of POS and LEAP will be required at the appropriate stage.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents. On site children's play provision should be made within the development proposal as the nearest children's play appears to be more than 300m from some of the proposed dwellings. The equipped children's play space should be overlooked to promote natural surveillance and sited away from the main access road. The Parks Department should be asked to comment on the design and content of the play ground. In line



with Local Plan policy 35 x family dwellings (2bed+) should provide 700 sqm of both equipped and general play space.

A contribution currently £1454 per dwelling should be made for the provision of facilities for outdoor active recreation. The contribution should be index linked.

The possible allotment site is welcomed although in order for the site to be viable it should consist of no less than 20 plots (5,800sqm). Should it be found that the minimum area of 5800sqm cannot be achieved then a contribution of £194 per dwelling towards allotment provision should be sought.

A contribution of £1118 per dwelling towards local community hall facilities which are open to everyone and a focal point of community activities for all age groups in the community should also be sought to cope with the extra demand the development proposal will create.

All contributions should be index linked.

A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and the public realm or by a commute sum to value of 1% of the development costs.

*LANDSCAPE* - My main concerns are the views from the public footpath; views from the B&T canal to the south; potential highway visibility splay requirements; loss or change of landscape character. The footpath and canal concerns could be overcome with additional planting to the south within the red line area.

*BIODIVERSITY* - I have now checked the Extended Phase 1 Habitat Survey which is satisfactory. I agree that there are likely to be no ecological constraints to this development.

Suggests condition for the protection of wildlife

*SOMERSET WILDLIFE TRUST* - We recognise the existing site does not have significant wildlife use. However we feel more could be done to enhance the proposed development for the benefit of wildlife. Whilst this is being done on the periphery of the development, we feel more could be done within the development with additional tree planting (of native species) and the creation of "green/wildlife corridors". We would also like to see a planning condition limiting planting schemes to native species. There should also be tight controls to prevent light spillage outside of the site. We were pleased to see proposals include bird and bat boxes which we believe should also be part of the planning conditions. However we do not believe that bird boxes should only be of a type usable by swallows, swifts and house martins and in particular we would wish to see boxes included which would encourage nesting by sparrows.

*ENVIRONMENTAL PROTECTION* - The site is adjacent to the motorway,

therefore, there is the potential for noise to affect any future residents on the site. The applicant has provided a noise assessment: - Environmental Noise Assessment 11-IAC135, July 12, Innovate Acoustics.

The report includes details of noise monitoring carried out at the site over a 24 hour period. Calculations were also used to predict noise levels across the site.

The modelled noise levels were compared to the Noise Exposure Categories (NEC) for road traffic noise given in Planning Policy Guidance 24. These indicated that the majority of the site would be in NEC B at night and part of the site in NEC B during the day. For NEC B the guidance says that 'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'.

The report uses modelled data to estimate noise levels at the facades of properties on the proposed development and calculates the amount of attenuation that will be required to meet the "good" internal noise levels in the World Health Organisation noise criteria. The report then includes details of a minimum specification for glazing and ventilation that will be needed to provide the required attenuation.

The monitoring and modelling does show that the area of the site closest to the motorway would be in NEC C and most of the site would be NEC B. This does show that the site would be suitable for residential development, if appropriate measures are taken to mitigate noise. The application does show that the area closest to the motorway will not be used for housing. Also, the acoustic report provides details of the level of noise attenuation that would be required for glazing and ventilation.

The modelled data shows levels lower than those actually measured on site by the consultant. For example, at monitoring point 2 levels of 61dB (day) were measured, but the modelled data shows a level of between 55dB and 60dB. It is generally accepted that measured data is more accurate than modelling; it would be useful if there was an explanation for this (although I note that the modelling assumed that the buildings were on site, which could have made some difference).

I note that this is an outline application. If the layout of the buildings in any future application differs from the one used in the calculations it would mean that the noise modelling and calculations for glazing and ventilation would not be applicable to that application.

To ensure that noise is taken into account during the development I would recommend that a planning condition is used. I attach a condition that would cover this. The information from the Innovate Acoustics report could be used to meet this condition if the layout is the same as in the outline application. However, if there are any changes the noise modelling and calculation would have to be revised.

Suggests noise condition to protect residents from motorway noise.

*HOUSING ENABLING* - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning. 25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The houses should be predominately 2 and 3 bedrooms.

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

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. A local connection clause is to be included within the S106 agreement to prioritise the homes for local people. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*STRATEGY AND COMMUNICATIONS* - The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy (policies CP8, SP1 and DM2). Despite being in the open countryside, the application site is considered sustainable as it has good levels of access to a range of services and facilities in the village including primary school, medical centre, convenience food store, post office, public house, church and village hall. The site is also well-related to transport infrastructure, which includes an hourly service to Taunton with a journey time of approx 30 minutes.

The application site is situated to the south of Hyde Lane and is contiguous with recent housing development at Hollinsworth Park on the western edge of the village. The north-west of the site adjoins the M5 which forms a definite physical boundary to development. Although the site adjoins the newly developed housing development the site is not particularly well-related to the existing pattern of development in the village.

Creech St Michael is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. Creech St Michael is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is now in the process of producing a Site Allocations and Development Management Policies Plan. It is anticipated that through this Plan each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The Council will publish an Issues and Options Site Allocations and Development Management policies plan for public consultation in January 2013. As part of this consultation the Council will seek community views on the capacity of settlements to accommodate the levels of growth and the relative appropriateness of certain sites for development; taking into account the existing and potential for expanding the capacity of infrastructure, services and facilities and the need to maintain the character of the village. A public consultation event has been arranged to take place in Creech St Michael on the 12<sup>th</sup> of February 2013.

Creech St Michael has been identified in the adopted Core Strategy as a sustainable settlement to accommodate further growth. This proposal for 35 dwellings is considered proportionate with the settlement hierarchy established for minor rural centres in the adopted Core Strategy. Whilst there are a number of potential development options for the village, the Site Allocations and Development Management Policies Plan is in the early stages and has not yet reached a formal view on either the scale of the best site(s) for development. With this in mind, it is not considered that it would be appropriate to resist this proposal on the basis of prematurity; instead it should be considered on its merits. There are no policy objections to this proposal on these grounds.

However, given that that the Site Allocations and Development Management Development Plan will be subject to extensive community engagement prior to adoption and that this scheme has attracted objection from the local community and involves an element of planning gain, it would seem preferable if this proposal was advanced through the Site Allocations and Development Management Policies Plan.

*SCC - CHIEF EDUCATION OFFICER* - 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 35 houses would be expected to require seven 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 £85,799 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 five secondary school places. The DfE estimate of the cost of each of these is £18,469, so total contributions of £92,345 should also be sought.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - There is no requirement for any archaeological work on this site.

*WESSEX WATER* - The surface and foul water strategy as outlined in the Flood Risk Assessment is broadly in line with discussions; details to be confirmed through Section 104 (Water Industry Act 1991) arrangements.

*THE RAMBLERS ASSOCIATION* - Whilst I have no adverse comments about this development, can you assure me the footpath links both sides of the motorway will be maintained.

## **Representations**

13 letters of SUPPORT on grounds of

- more family homes,
- provision of affordable housing with a local connection clause,
- open space,
- improvements to local infrastructure and
- new scout hut would be a benefit to the community.

3 letters of NO OBJECTION subject to tree planting to absorb noise, provision for primary education and concern over large construction vehicles using Hyde Lane and suggested contractors management plan to include delivery times and no use of canal bridge. S106 requirements should address primary school extension and Hyde Lane widening between Recreation Ground and Hyde Lane Cottages or other mitigation to allow children safe access to secondary school.

22 letters of OBJECTION on grounds of

- primary school oversubscribed and lack of funds to increase classrooms or teachers,
- surrounding catchment schools are over subscribed and over capacity,
- no guarantee money for education will go to the primary school and school improvements will only occur after houses are built.
- Hyde Lane is a narrow country lane and increased traffic would causes dangerous situations,
- additional access would be dangerous,
- lane cannot support additional volume of traffic and need for traffic calming,
- danger for pedestrians,
- lack of safe route to local secondary school,
- need for a separate cycle/footpath from Creech St.Michael to Monkton Heathfield school is critical,
- speed limit on Lane should be reduced and need to extend 30mph limit,
- need for speed bumps through adjacent development,
- problems of navigating Hyde Lane in school hours,
- would add to parking problems and congestion outside of the village school,
- no impending improvements to road conditions,
- increase risk of road flooding,
- will add to unheard of flood risk,
- flood mitigation seems inadequate,
- increase in noise pollution outside homes,
- 90 homes have been built at Hollingsworth Park and 2 other applications are expected and this is more than our fair share and is not taking an holistic approach,
- this is the first of 3 developments totalling over 130 houses in excess of 50% of 250 specified in the Core Strategy,
- concern over loss of village characteristics,
- proposal does not fit with Taunton Deane Local Plan policies or STR6 of the Joint Structure Plan Review,
- over development of the village,
- building too close to motorway and level of traffic noise unacceptable,
- noise impact on residents of Hollinsworth Park and not enough mitigation,
- unsustainable location and insufficient public transport,
- scout hut and allotments should be provided first,
- allotments are no longer required and would increase traffic through the village,

- scout hut supported largely by non Creech residents,
- sufficient community facilities exist at Baptist Church and Village Hall,
- scout hut would be focus for anti-social behaviour,
- lack of play facilities,
- open drainage areas a danger to children,
- open space offer is misleading as no provision is made for its upkeep a duty for which the Parish Council has no appetite,
- impact on wildlife,
- agricultural land,
- out of character and detrimental to appearance of area,
- dog waste bins required,
- loss of view,
- loss of value of property.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£37,767
Somerset County Council (Upper Tier Authority)	£9,442

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£226,604
Somerset County Council (Upper Tier Authority)	£56,651

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the policy issues, sustainable location, landscape and biodiversity impact, community issues, affordable housing,

drainage, access, highway safety and noise.

### Policy

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

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability, the Panel felt on balance the site meets the basic tests. However, the SHLAA conclusion does not prejudice or 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 would need to be considered as part of an Allocation Document which will follow 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.

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. 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.

The following sections consider the impacts of the proposed development.

### Sustainable Development and Accessibility

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements. The proposal is for 35 units and would comply with the above policy requirement. There are existing local facilities within the village and the school and doctors are within easy walking

distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal.

### Landscape and Biodiversity Impact

The site is a visually enclosed field bounded by hedgerows and lies between the residential development to the east and the motorway to the west. While the site will be visible from the residential properties there are no long distant views of the site and the proposal would be screened from the canal to the south by the way the land falls and the existing southern boundary hedge. There is scope to enhance the existing planting to the west and south which is proposed and in compliance with the Landscape Officer's view.

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

### Community Issues

The County Education Officer recognises that there is a need for places and expansion of both the primary school in Creech St Michael and the nearby secondary school. As a result there is a request for appropriate monetary contributions to fund expansion in respect of both primary (£85,799) and secondary education (£92,345) and this would be secured by a Section 106 legal agreement.

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities are best provided in the nearby recreation ground rather than on site and provides best value for money given the majority of houses would be within 300m of the new facilities. 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 has indicated a number of allotments on the site, although this does not meet the full requirements of the Community Leisure Officer. The applicant is willing to pay the appropriate contribution per house for allotment provision and it is considered that the Section 106 can be appropriately worded to reduce this full requirement if there is an element of on site provision. The applicant is proposing to provide land for a scout hut and this would need to be secured through the legal agreement. There is also a request for community hall facilities which should be open to everyone. This contribution could be used to help construct the scout hut on the basis that the building was available for other community uses and not just for scout use. An appropriate wording in the legal agreement could be provided to address this while ensuring the scouts have preferential use of the building.



## 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 9 dwellings which will be secured through a legal agreement with a local connection clause to address the request of the Parish Council and ensure priority is given to local people in housing need.

## Drainage

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

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed utilising swales and a pond system to ensure existing greenfield run-off rates are achieved. The Environment Agency is satisfied with the strategy and recommend a condition to address the provision and implementation of a suitable scheme.

## Access and Highway Safety

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

The Highways Agency has also commented due to the proximity of the site to the M5 and have directed conditions be imposed to address both boundary landscaping and a traffic management plan.

## Noise

The site lies to the west of Creech St Michael and almost adjacent to the M5

motorway. Traffic noise is therefore an issue in the area and a noise assessment report has been submitted by acoustic consultants. This defines areas of the site that fall within noise guidance levels suitable for dwellings as set out in the former PPG24. This assessment is based on the illustrative housing layout and has been assessed by the Environmental Protection Officer. The illustrative layout is considered acceptable in noise terms however this is an outline application. If the layout of the buildings in any future application differs from the one used in the calculations it would mean that the noise modelling and calculations for glazing and ventilation would not be applicable to that application. It is therefore recommended that a suitable noise condition is imposed to ensure noise is adequately taken into account as part of any detailed scheme.

### Other Issues

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

### Conclusion

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

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

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