

S NOTARO T/A NOTARO NEW HOMES

APPLICATION FOR OUTLINE PLANNING WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT OF UP TO 30 NO. DWELLINGS AND 3 NO. LIVE/WORK UNITS, PUBLIC OPEN SPACE, ALLOTMENTS AND ASSOCIATED INFRASTRUCTURE ON LAND EAST OF WEST VILLAS, COTFORD ST LUKE (RESUBMISSION AND AMENDED SCHEME TO 53/13/0012)

Location: LAND EAST OF WEST VILLAS, COTFORD ST LUKE

Grid Reference: 317283.127349

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a S106 agreement to secure the following:

- 8 units of affordable housing comprising 60% social rented, 40% intermediate housing.
- Provision of public open space to include an 'enhanced' 8-piece LEAP together with ongoing maintenance provision.
- Provision of allotments.
- Ongoing maintenance for Surface Water drainage infrastructure.
- Provision of highway access to the site, including the realignment of Old Dene Road.
- Reconfiguration of the southern end of the adjoining cycleway to provide a safe junction with the realigned road.
- Provision and implementation of travel plan.
- Provision of public art integrated into the development or via the payment of 1% of development value.

Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access 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. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site, based on sustainable drainage principles, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

3. 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 Country Contracts Protected Species undated Survey and an up to date survey and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- 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 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 and accommodate wildlife and their habitats.

4. Full details of the public open space, children's play facilities and allotments shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted pursuant to condition 1 of this planning permission. The children's play facilities shall include an enhanced (8 piece) Locally Equipped Area for Play. Prior to the occupation of the 20th dwelling hereby permitted, the public open space, children's play facilities and allotments shall be provided in accordance with those details and shall be capable of use by members of the public.

Reason: To ensure delivery of the public open space and children's play facilities.

5. A pedestrian/cycle link to the adjoining land shall be provided up to the northern site boundary in accordance with details that shall be submitted to and approved by the Local Planning Authority pursuant to condition 1.

Reason: To ensure the comprehensive development and promote good connectivity within future development at Cotford St. Luke.

6. In respect of each live-work unit hereby permitted:

The details submitted and approved pursuant to condition 1 (submission of reserved matters) shall clearly identify the 'business floor space' and 'residential floor space' for each unit.

The residential floor space shall not be occupied until the associated business floor space is fully fitted and capable of use.

The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit.

The occupation of the business floor space shall be limited to a person who resides in the residential floor space connected with that unit.

The business floor space shall be used only for purposes falling within Classes B1 or D1 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the live-work units are provided in a manner that ensures that the building operates as a live-work unit without detriment to other nearby property.

7. No more than 30 dwellings and 3 live-work units shall be erected on the site.

Reason: This quantum of development is considered to be sustainable with regard to the emerging Site Allocations and Development Management Plan and the infrastructure provision within the existing settlement.

8. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking

and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway prior to its occupation.

Reason: To ensure that the dwellings are provided with an acceptable means of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commence of development, and thereafter maintained the completion of construction.

Reason: To in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect the 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 bats and birds that are affected by this development proposal.
3. 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.
4. In the UK badgers are protected under the Protection of Badgers Act 1992. All excavations left open at night should either be cover plated or have a

means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials. Security lights should be directed away from areas of the site where badger runs are evident.

5. The designs for the proposed live-work units in the design and access statement are not necessarily considered to be acceptable. It is likely that the Local Planning Authority will require a mix of residential floor space options (i.e. 2, 3, 4 bedroom options) to accompany the proposed business floor space.

PROPOSAL

This application seeks outline planning permission for the erection of 30 dwellings and 3 live-work units. All matters are reserved for subsequent consideration.

An indicative layout proposes to gain access to the site from the south, through extending the existing (currently closed) Dene Road to the northeast, into the site.

The application suggests that the eastern part of the site would remain undeveloped, being left open to provide public open space, allotments and surface water attenuation features. A small area of woodland/copse would be provided in the northeast corner of the site.

At the northern part of the site, a number of dwellings are shown fronting Dene Road, opposite North Villas; the boundary hedge would be removed and a further pedestrian link provided to the northern section of Dene Road at this point.

SITE DESCRIPTION AND HISTORY

The site is currently an agricultural field. It is on the eastern side of Cotford St. Luke to the north of Dene Barton Hospital. It is currently accessed via a farm gate towards the northern end of the site; there is no access to the southern side at present.

To the west, 1-6 North Villas face towards the site on the opposite side of Dene Road, which has been closed to vehicular traffic for a short section along the western site boundary to the south of this point. At the point opposite the application site, North Villas are raised up above the highway which descends into a cutting along the closed section – now a pedestrian/cycle link. At the southern end of the western site boundary, opposite across the pedestrian/cycle link the gable end of 1 West Villas and the rear elevations of 15-21 Milsom Place face towards the site.

A number of mature trees are present in the southern boundary with Dene Barton Hospital, although the boundary weakens towards the western end of the site. The western part of the site slopes up steeply and commands long ranging views over the surrounding vale to the south.

The site has been considered for allocation in the Site Allocations and Development

Management Plan (SADMP). The Preferred Options consultation plan identified half of the site for development as part of a wider allocation for 60 dwellings including half of the adjoining field to the north, this now looks set to be carried forward into the published plan.

An application was submitted last year (53/13/0012) for the development of 44 dwellings on the site. On the basis that this would deliver more than half of the likely allocation, your officers felt that there was significant danger that granting permission for this number of dwellings would result in an overall growth for Cotford St. Luke well in excess of the anticipated target. There was also uncertainty over which site would be allocated in the SADMP and on this basis, it was considered to be premature. It had also not been demonstrated that the development would not have an unacceptable impact on the highway network, or lead to an increase in off-site flood risk.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

COTFORD ST LUKE PARISH COUNCIL – Comment as follows:

TDBC Site Allocations and Development Management Plan

- This Application should be rejected on the grounds of prematurity, as the TDBC Site Allocations and Development Management Plan – Preferred Options to 2028 has not yet been adopted.
- The draft Site Allocations and Development Management Plan indicates 60 houses being allocated for CSL, as the village has been designated as a Minor Rural Settlement. Notaro New Homes is applying to develop up to 33 dwellings (3 of which are live/work units), public open space, allotments and associated infrastructure. At present it is not known, if there will be a Planning Application for Option 1 (site 2) and how many dwellings could potentially be built on this site. We note only 27 dwellings should be developed for this site.
- There are already severe limitations on CSL's infrastructure. Any new dwellings would merely increase the severity of the village's existing problems which are listed in detail below.
- Please note that the Parish Council wrote to TDBC Planning Policy Team on the 28 November 2013, to inform TDBC that out of the two options being proposed for CSL, Option 1 (site 2) is its preference for future development. Also, the Parish Council made it clear that it did not wish to see Option 2 (sites 2 and 3) developed.

Road and Footpaths

- Many of those presently living in South Villas, West Villas and North Villas have lived there before the land was sold to Cofton in June 1994 and CSL was subsequently built. It was made clear to them by TDBC Planning Department that all development would be to the west of Old Dene Road and would not impact on their properties. The 'sweetener' was that Old Dene Road would become a no-through road and traffic would therefore reduce. This was reinforced in the Planning Condition noted in 06/94/0018 which should remain in

force and must be adhered to.

- Drawing PL01 indicates a road within the proposed development linking to the adjacent field which is Option 1 (site 2). If this road was to be constructed in the future; it would create a vehicular through route linking the north and south of CSL, thereby creating another Distributor Road and a rat run through this part of the village.
- The Parish Council would like to suggest that access to the development should be through Option 1 (site 2) and the road layout be redesigned to preclude access from Old Dene Road. If this cannot be achieved, then an extra house should be built on the development where the road within the proposed development links to the adjacent field.
- This would prevent another Distributor Road being built and a rat run through CSL being created.
- If the proposed development is granted Planning Permission, there will be vehicles for 85 houses accessing/egressing Old Dene Road plus those working at and visiting patients in Dene Barton Hospital. Old Dene Road is not wide enough to take two cars passing one another safely unless one comes to a complete stop, as the road width is very variable (4.8 to 5.8 metres). There is no land available along Old Dene Road to improve it by widening or constructing a passing bay, to allow cars to pass one another due to the constraints of Orchard Lodge land which has already been allocated for house development and the rear gardens of Nr 1 South Villas and Aveline Court.
- The Transport and Travel Plan Statement states that the number of 'daily car trips would increase by 159 trips and that further analysis of the operational capacity of the local highway network is considered unnecessary and that this increase in traffic is negligible and will not be detrimental to highway safety'. The Statement does not take into account the existing traffic accessing/egressing Milsom Place, South Villas and Dene Barton Hospital, and the potential traffic once Orchard Lodge is developed.
- Also, the validity of the trip data is questionable. In reality, there is significantly more traffic accessing/egressing or travelling around CSL during rush hours either to/from work and schools. Also, there has been an increase in traffic accessing/egressing Dene Barton Hospital as additional services such as social care are being transferred to this unit.
- SCC Highways 'Estate Roads in Somerset – Design Guidance Notes' states that the minimum spacing between junctions where these are on opposite sides to one another in a Collector Road should be a distance of 30 metres from one another. Old Dene Road will become a Collector Road for potentially 85 houses. Five junctions will be potentially created by Milsom Place, Dene Barton Hospital, the Orchard Lodge Planning Decision and this Application. These junctions will be in close proximity to one another and it is not known how the 30 metre criteria can be physically complied with. The potential for an accident and traffic congestion to occur is high.
- The existing egress from South Villas has a very steep decline and is blind, there is no visibility splay for this private road. To egress safely, cars turning out of South Villas have to use the entire width of Old Dene Road. There is no land available to build a visibility splay. With the significant increase in vehicle trips, there is the potential for manoeuvres to be unsafe and an accident to occur.
- Despite garages and parking spaces being allocated to each property in CSL, on-street parking has always been an issue in the village. How will off-street parking being enforced within the proposed development?
- Drawing PL01 indicates that Plot 26 has no garage or parking area. Also, Plot

LW3 does not appear to have a driveway. The Transport and Travel Plan Statement Appendix A - Vehicle Access shows no service area for Plots 25, 26, 28 & 29. Within the proposed development, there is no provision for bicycles to be parked.

- The access/egress to CSL via Tithill Lane Bridge which under the original version of the Core Strategy was deemed to be structurally incapable of taking any further traffic.
- With the present on-going development of the Norton Fitzwarren/Silk Mills area, there is already significant congestion along the A358, the B3227 and other roads in the area especially in the rush hours.
- In order to create vehicular access/egress to the proposed development, it is noted that approximately 20 metres of the public footpath/cycleway between Milsom Place and West Villas will be lost for pedestrian and cyclist use. The Design and Access Statement indicates that the public footpath/cyclepath will be reconfigured within the public highway but there are no details as to how this will be achieved, and the safety of pedestrians and cyclists protected.
- Pedestrians including young children, dog walkers, runners and cyclists frequently use Old Dene Road. There is presently no pavement between South Villas and the post box for them to use. Their safety will be put at risk with the significant increase in vehicles using the road should the Orchard Lodge and Notaro New Homes Ltd developments be built.
- It is also noted that Drawing PL01 indicates that there is no footpath in front of plots 2 to 4; 15 & 16, 20 & 21, and 25 & 26 of the proposed development. Whilst the road in front of these dwellings appears to be rather narrow. There is no safe route for pedestrians and 8-axle vehicles such as refuse and recycling trucks to access/egress these plots. It is suggested that the length of these front gardens be reduced in order for pavements to be built and the road to be widened.

Road and Footpath Adoption

- Under the Highway Act 1980, the Advanced Payment Code requires anyone proposing to build houses served by a private street must deposit enough money with the Highway Authority to cover the eventual making up of that street to adoption standard. Should Planning Permission be granted, a condition is required to ensure that SCC Highways/the developer signs a Section 38 Agreement and for the appropriate bond to be in place within the required timeframe, as stipulated by the Highways Act 1980.

Water Supply

- The Flood Risk Assessment states that there is limited capacity within the local water supply network to serve the proposed development. There is no assurance from the Applicant that he will contribute to the supply network upgrade that will be required.

Foul Water Drainage

- There is no indication in the Flood Risk Assessment, where the foul water sewer from the proposed development will connect into the existing Wessex Water infrastructure – ‘the point of connection is to be agreed with the local sewerage network having a capacity to accept foul flows from only 50 dwellings. Yet 60 dwellings are proposed for options 2 and 3 as noted in the Site Allocations and Development Management Plan.

Electricity Supply

- Additional housing will only exacerbate the poor infrastructure in CSL, such as unreliable electricity supply. The sub-station located in Graham Way has insufficient capacity to cope with this proposed development.

Mix of Housing

- During pre-consultation by Notaro New Homes Ltd, the Parish Council requested accessible housing such as bungalows two storey apartment arrangements with lift is provided, due to the shortage of and demand for this type of housing in CSL. The Parish Council notes that this type of housing is not being provided by the Applicant.

Ground Stability

- Drawing SE01 shows the 10 metre drop from Plot 19 at the top of the field to Plot 29 at the lowest point of the field. There is concern that the construction may undermine the present ground stability of the site and in the future subsidence may occur.

Badgers

- The Parish Council notes that there is evidence of an active badger sett which will be in very close proximity to Plots 26 and 28. Please refer to the Protected Species Survey. The Protection of Badgers Act 1992 makes it illegal to interfere or disturb badgers and their setts. How will the badgers and their sett be protected from interference or disturbance especially by children and dogs?

Protected Species Survey

- The Protected Species Survey' (Page 3) states that 'the period of time between this survey and commencement of the development extends more than 12 month,; then a further survey must be commissioned to ascertain any changes in wildlife usage before work commences'. It is noted that the date of the survey is 20 April 2012.

Visual Impact

- When Dene Barton Hospital was designed, it had to be lowered to reduce the building's impact on the landscape. The Notaro New Homes field has a 10 metre drop and the proposed houses will stand out above the height of Dene Barton Hospital.

Education

- SCC criteria is 30 places for 5-11 year olds per 150 dwellings. Presently 937 houses in CSL = 188 pupils based on SCC criteria but in reality there are now too many pupils already attending CSL Community Primary School.

Public Transport

- It is a strategic objective (Core Strategy P14) that at least 50% of all trips should be undertaken by modes of transport other than the private car. Bus services to/from CSL have reduced significantly over the last 2 years. There is no bus service after 7.30PM and on Sundays and Bank Holidays. The present bus service makes it not feasible for the majority of people to rely on public transport to get to/from their place of employment. Any increase in the number of people living in CSL will only exacerbate this problem.

Health

- Presently the village has a population of approximately 2500 people (all ages). A doctors branch surgery is now required and could be located in Dene Barton Hospital.

Employment

- The employment opportunities within CSL have been severely hampered by the original decisions made by TDBC Planners. So far as the businesses that do exist in CS, they are hampered by poor infrastructure such as unreliable electricity supply
- The absence of mobile telephone coverage adds further to the difficulties and does not offer an alternative to Broadband.
- The trading hours and classification of employment need to be specified for the 'live-work' unit, in order to avoid any nuisance to other properties in the proposed development.

Open Space

- Notaro New Homes is proposing to provide one play area; a natural play area, a swales and wetland area, a community orchard and a significant public grassed area.
- We retain the right for the allotments to be available to all CSL villagers.
- There is no indication of how the children's play area and allotments will be secured.
- There is no indication of what will be provided in the natural play area.
- The Parish Council notes that Notaro New Homes Ltd will retain ownership of the open space and allotments, and will employ a management company. What arrangements are in place should the management company cease trading?

Documentation

- The Parish Council notes that there are factual errors in the Design and Access Statement. For example: there is no Post Office, Cricket Club, Zumba Club and Crafting Club in CSL. Also; there is no bus shelter at Dene Road/North Villas and Highlands Road does not exist in CSL.
- The Transport and Travel Plan Statement states that a Travel Co-ordinator will be based at the site, in order to promote sustainable travel. The Parish Council wonders who this will be, how the position and items worthy of reimbursement by mode of travel will be reimbursed.
- The Transport and Travel Plan Statement Appendix B – the dates noted are out

of date.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

Traffic Impact

The Highway Authority previously required that further information be submitted on the previous application to allow us to assess the traffic impact of the proposal. Before this information was received the applicant withdrew the application.

This revised scheme has provided further information on traffic impact in the form of ATC traffic survey data. The data showed that currently there are 37 two-way vehicle movements in the AM peak and 32 two-way movements in the PM peak. It is envisaged that the addition of development would increase these flows to 61 two-way movements in the AM and 58 two-way movements in the PM. This would likely result in an increase in traffic to one per minute from one every two minutes although this is unlikely to have a significant impact on the surrounding highway network as such the Highway Authority would not be able to uphold an objection on traffic impact grounds.

Travel Plan

As with the previous planning application the applicant has submitted a Travel Plan. This has been assessed by the Travel Plan Team From reading the report it appears that all the points raised from the previous audit have now been addressed. Furthermore the Travel Plan will need to be secured via a S106 agreement.

Internal Design

[A number of detailed comments have been provided regarding the detailed design of the internal road layout, with advice given to the future designers. However, in the context of this outline application, they have not been repeated here].

Finally a footway/cycleway runs alongside the western boundary of the proposed site. The applicant would need to provide details of how this is going to tie into the proposed estate road. From the details provided on the submitted drawing the footway/cycleway will connect directly into the back edge of the carriageway. As a consequence the applicant will need to provide a feature at the end of the footway/cycleway to make cyclists dismount prior to entering the highway.

Flood Risk Assessment and Site Drainage

The application was accompanied by a Flood Risk Assessment (FRA) in support of the proposal. This document has been audited by the Highway Authority and has the following observations to make.

In terms of the proposed surface water management strategy it doesn't make any particular reference to the collection of run-off from roofs and driveways and as

such it is assumed therefore that the strategy proposed is for the collective run-off from all impermeable areas in the development. It must be assumed that in the absence of any reference in the report the author has discontinued any potential use of infiltration on this site based on the likely ground conditions. This being the case the strategy will result in an increase in volume of run-off and this will need to be considered against the Taunton Deane Core Strategy drainage policies.

The FRA has proposed to drain the western side of the development into a storage tank alongside the road is noted but there are concerns with the proposal to discharge into the sewer in the public highway. Wessex Water's sewer records show that the nearest surface water sewer is in Milsom Place which rises off the eastern side of Dene Road. The only sewer on record in Dene Road is a foul sewer that crosses from east to west from South Villas. The presence of road gullies in Dene Road would indicate some form of carrier drain to serve the highway but there is no information relating to this on the Highway Authority's drainage records. If the applicant is proposing to utilise this drain to serve to collect run-off from the site, then its status will change to a sewer and will need to be upgraded to meet the required standards of the adopting water authority. This highway drain must be considered as being suitable for its current purpose, the collection of run-off from public highway only, and no allowance will be made to accept run-off from the development on the basis of current exceedance flow from the land.

The exact location and construction of the tank will need to be carefully considered as it is close proximity to the internal access road. It is presumed that the tank will be offered to Wessex Water for adoption. It would also appear that this tank will be designed to accept the surface flood pathway for events over the 1 in 30 year storm and this will need careful consideration as it could entail the incorporation of additional features into the road design.

Conclusions

To conclude the proposal would result in an increase in vehicle movements along this section of the adopted highway. However from interrogating the figures it appears that it would only result in one additional movement every minute as a consequence the traffic impact is not considered severe. The Travel Plan is considered to be broadly acceptable although there are some minor amendments that need to be addressed. Furthermore this would need to be secured via a S106 agreement.

The internal layout is broadly considered to be acceptable in principle but the applicant would need to take note of the points raised above in particular where the footway/cycleway joins the proposed estate road.

Therefore based on the information set out above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions would need to be attached.

BIODIVERSITY – Refers to comments on application 43/13/00012, which stated:

The agricultural field is surrounded by established hedgerows with some mature trees. The NW hedgerow includes a shallow ditch. There is a field pond adjacent to

the northern corner of the field and a small copse on the southern boundary. There are no built structures on site.

Country Contracts carried out a Protected Species Survey in April 2012. Findings of the survey were as follows:

Bats - The surveyor noted one tree which had potential for bats, a mature oak in the eastern corner of the field. On examination, there was no indication of bats using this tree.

The boundary hedges are likely to provide foraging and commuting for bats, potentially including lesser horseshoe bats from a roost at Norton Manor 1.4km to the east.

I agree that the development should provide roosting opportunities for bats in the new build. Lighting of hedgerows should be kept to a minimum.

Reptiles and Amphibians - The pond has no aquatic vegetation and is very shallow. No reptiles or amphibians were found, although the hedge bases and rough grass around the pond have potential for reptiles and amphibians.

Birds - The boundary hedges, overgrown vegetation and trees on site all provide nesting opportunities for birds.

The hedgerows, with the exception of sections along the western boundary which in parts are largely bramble, will be retained.

Removal of vegetation should take place outside of the bird nesting season.

I support the recommendation to provide bird boxes in the new development

Badgers - A badger sett with two active entrances was found in the SE corner of the site field adjacent to the copse. The status of this sett should be confirmed by survey prior to any development. The proposal is to retain a 20m buffer around the sett.

Dormice - The hedgerows, which are heavily flailed, are considered less secure and productive for dormice. The hedgerows would benefit from more sympathetic management

To conclude this survey is within date for consideration but was carried out nearly two years ago, so it is possible that the situation on site may have slightly changed. Indeed the report does state in the introduction that "If the period of time between the survey and commencement of development extends more than 12 months then a further survey must be commissioned"

I would like to see some biodiversity gain from this development so suggest conditions to achieve this

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. This equates to 8.25 affordable units based on the 33 dwelling scheme, the 0.25 will be based on a financial contribution ring fenced for affordable housing within the Borough. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The unit mix should include 1b2p maisonette style houses with separate access way, 2b4p and 3b5p houses for rent. The majority of the shared ownership should be 2b4p houses with possibly a couple

of 3b5p houses subject to further discussions in relation to affordability.

Proposal involving affordable housing should be discussed at the earliest opportunity with the Borough's Housing Enabling Lead. The affordable housing scheme, including details of the unit mix, layout, tenure and location of the affordable housing 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 such Standards which may supersede at the date of approval of the full application / reserved matters application.

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

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

DRAINAGE ENGINEER – Further to comments on the previous application, notes that discussions have taken place with Somerset County Council Highways and service manager regarding disposal and treatment of run-off from highway areas. In the FRA for this application dated 20 June 2014, it has been stated that drainage rates have been agreed at a level of 2 litres/second/ha and that flows will be spilt, discharging to a local watercourse and SCC's adopted highway drainage system.

The Environment Agency are currently revising their Local Flood Risk Standing Advice for the Taunton area which may change again allowable discharge rates. It should be noted that run-off from impervious areas only should be assessed when arriving at total discharge rates and storage volumes with no allowance given to run-off from undeveloped areas and parking areas discharging to underground strata for which porosity tests will have to be carried out. It is also noted that design standards and discharge rates for the connection to the County Council's highway sewer have not been finalised. The above points should be checked with Somerset County Council service managers.

A condition is recommended that a detailed drainage scheme should be submitted for approval prior to the commencement of development.

WESSEX WATER - The site will be served by separate systems of drainage constructed to current adoptable standards. Please see Wessex Water's Advice Note 16 for further guidance. There is current adequate spare capacity within the local water supply network to accommodate proposed development point(s) of connection to be agreed; buildings above two storeys will require on site boosted storage.

The applicant has indicated surface water disposal via Suds arrangements which will require the approval of your Authority. Elements of this system may be adopted by Wessex Water; details to be agreed.

Wessex Water comments on foul drainage contained within the Flood Risk Assessment submitted with the application date from 2012. Since this time we have advised:

- Wessex Water is aware that sewer flooding can occur within the downstream catchment following heavy rainfall.
- If the development of 50 dwellings proceeds to secure planning permission Wessex Water will need to prioritise further appraisal works.
- Foul water connections may require improvement works to reduce the risk of downstream sewer flooding.

[Further to this formal response, Wessex Water have confirmed that they will rectify any deficiencies in the existing system themselves and do not require contributions from this development to address the problem].

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – No comments received.

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

On an outline application proposal of 33 dwellings, assuming they will all be family size 2 bed + dwellings on-site children's play facilities of 20 square metres per dwelling giving a LEAP+ will be required. This should be centrally located, overlooked by the front of properties to provide natural surveillance and away from the main access road. Open Spaces should be asked to comment on the design and equipment proposed.

The provision of on-site allotments is to be welcomed as there is a known shortage of allotments within Cotford St. Luke which this development would exacerbate. Open Spaces should be asked to comment on the size and layout of the proposed allotments and related parking.

PLANNING POLICY – Comments on planning application 52/13/0012

The Council is in the process of preparing its Site Allocations and Development Management Plan (SADMP). This document will establish the precise scale and location of future allocations in Cotford St Luke.

The Council published a Preferred Options consultation in October 2013, which included this site as part of a proposed allocation with land immediately to the north at Highlands. The extent of the proposed allocation was defined on the basis that a singular, larger allocation comprising either of the two sites was likely to have an unacceptable landscape impact. This site is likely to be recommended for inclusion in the draft plan.

The adopted Core Strategy proposes that Cotford accommodate a share of a total allocation of at least 250 dwellings in the Minor Rural Centres. This is an application for up to 30 dwellings and 3 live/work units, a reduction on the previous application (ref 53/13/0012) which was for up to 44 dwellings. Land to the north at

Highlands is being promoted for c 110 dwellings with a further 60-70 suggested on a site to the north. However, it is apparent is that the village need not accommodate all three sites.

It is accepted that at present the presumption in favour of sustainable development should apply, since plans setting out precisely where and how much new housing should go to the village are not yet in place, although the Core Strategy has established broad parameters. Decisions about the most appropriate location(s) for growth in Cotford would ideally be taken by the SADMP, particularly when there is little real meaningful basis for a comparison between options. However the Council was unsuccessful in in similar circumstances with a recent appeal in North Curry after refusing a residential application on prematurity grounds.

The Policy Team is supportive of the proposed new employment opportunities proposed by the application. This is consistent with the Council's wish to see new employment opportunities created in Cotford to assist its sustainability. Since the provision of new opportunities in the village was considered by the pre-requisite to further allocations, it will be important to ensure that appropriate conditions are used to secure this element of the proposal.

The applicant places a good deal of emphasis on the latest housing land supply position as set out in the Borough Council's SHLAA. The Borough Council has identified sufficient land to meet a five percent buffer as set out in the Framework. It has not sought to argue that it could meet the requirements of a 20% buffer, or even a 5% buffer if shortfall to-date in provision is met upfront (although it is extremely close to being in a position to do so on its own housing supply figures). Officers acknowledge that this proposal would contribute towards the Council's five year housing land supply.

With three sites with comparatively little basis to distinguish between, there is a risk that approving this application would prejudge the outcome of the DPD for the village, although this argument in itself was unsuccessful for the Council in a previous planning appeal in North Curry.

POLICE ARCHITECTURAL LIAISON OFFICER - Having reviewed the documentation submitted in support of the application, I would make the following comments:-

Design & Access Statement – the DAS contains a reference to para. 58 of the NPPF which refers to new developments creating safe and accessible environments, where crime and disorder or the fear of crime, do not undermine quality of life or community cohesion. In addition, Section 5 of the DAS headed 'Crime Prevention' goes into some detail as to how the design of this development has been developed to comply with this requirement. This indicates to me that the applicant has taken into account crime prevention measures in the design of this development, the majority of which I am in agreement with as indicated below.

Crime & ASB Statistics – reported crime during the period 01/08/2013-30/07/2014 for the area of this proposed development(within 500 metre radius of the grid reference) is as follows:-

Burglary - 2 Offences (comprising 1 commercial and 1 non-dwelling)

Criminal Damage - 7 Offences (incl. 2 criminal damage to dwellings and 3 criminal damage to vehicles)

Drug Offences - 2

Theft & Handling Stolen Goods - 7 Offences (incl. 1 unauthorised taking of motor vehicle and 1 theft from motor vehicle)

Violence Against the Person - 18 Offences (incl. 5 assault ABH, 8 common assault and 3 Harassment/Provoke Fear of Violence)

Total - 36 Offences

This averages less than 1 offence a week, which are low crime levels. Peak offending days are weekends and times early evening and around midnight. Anti-Social Behaviour reports for the same period and area total 18, which are also low levels.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and should not undermine the defensible space of the development. The use of design changes such as rumble strips, changes in road surface colour or texture or similar features can also help define defensible space, giving the impression that the area beyond is private and deterring unwanted visitors. The cul-de-sac nature of the development also has some advantages over other layouts in that it can help frustrate the search and escape pattern of the potential offender.

Layout & Orientation of Dwellings – dwellings should be positioned to face each other to allow neighbours to easily view their surroundings and thus make the potential offender feel vulnerable to detection. From the Illustrative Layout this generally seems to be the case. The DAS also indicates that the majority of dwellings are 'back to back', which is also recommended as this helps deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

Dwelling Boundaries – although not particularly clear from the Illustrative Layout, it is important that boundaries between public and private areas are clearly defined. In this regard, it is desirable that dwelling frontages are open to view, so walls, fences and hedges should be kept low, maximum height 1 metre. More vulnerable areas such as exposed side and rear gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as this fencing and lockable.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, I have some concerns regarding the location of the Play Area and Natural Play Area in the Community Open Space. The Play Area appears to be overlooked by one dwelling only and the Natural Play Area is not overlooked at all, being in an isolated location on the north/east edge of the Communal Space. The proposed circular walk around this space also passes close to both Play Areas and, particularly where it passes through the Woodland Copse, could also pose personal safety concerns. In my view, from a safeguarding children perspective, the Play Areas should be relocated to an area in the centre of the proposed development with good all-round natural surveillance opportunities from nearby dwellings.

Car Parking – with the exception of Plots 9-16, which appear to be allocated parking spaces opposite the dwellings, the majority of parking appears to be on-plot garages or parking spaces, which is the recommended option.

Planting – should not impede opportunities for natural surveillance or create

potential hiding places and, in areas where visibility is important, shrubs should be selected which have a mature growth height of 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5849:2013

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

I note that, if planning permission is granted, some of the more detailed matters will be addressed at the Reserved Matters stage and I would be pleased to be of further assistance at that time.

SCC - CHIEF EDUCATION OFFICER – No comments received.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

SCC - FLOOD RISK MANAGER – No comments received.

SCC - RIGHTS OF WAY – No comments received.

Representations

Somerset Wildlife Trust

“We have noted the above mentioned Planning Application submitted on behalf of Notaro Homes by Pegasus Planning. We have also noted that this Application replaces 53/13/0012 which was previously withdrawn. We note that the Authority's Biodiversity Officer has referred back to her comments on 53\13\0012 when commenting on 53\13 \0008. We would similarly refer back to our previous comments. However at that time we were referring back to an Ecological survey which was already 2 years old. We are concerned that the latest Application does not appear to include an Ecological Appraisal or Wildlife survey. As far as we can see the only reference to wildlife is 1 page of the Design and Access Statement which refers to Ecology and Nature Conservation. This is insufficient. Either the previous report needs updating with regard to this Application or else a new report should be provided. In the absence of this information, we object to this Application.

RSPB South West

- Concerned that the recommendations in the Protected Species Survey would

- not meet the Council's obligations to protect and enhance biodiversity.
- Developments on greenfield sites create a different eco-system where species that habituate our houses and gardens have potential to thrive. An ongoing management plan should enable them to do so.
- Measures that encourage new residents and other occupants to take responsibility – such as private nest boxes/cups – are preferable to heavily managed public spaces that can be vandalized and need maintenance.
- Permanent nesting cavities within buildings should be explored; advice given regarding locations.

11 letters of OBJECTION/CONCERN raising the following comments:

- The village is already more than double that originally planned. There are many empty properties in the village. The originally proposed employment and shops never materialised, so no further housing can be considered to be sustainable.
- The school is overflowing.
- A reduction to 30 dwellings makes no difference to the proposal – the impacts would be the same.
- Traffic to and from Cotford St. Luke would be worse.
- Surface water would still flow onto the main exit road to the south of the site. The road already floods and other infrastructure is inadequate.
- The additional traffic on Dene Road would be dangerous for pedestrians and make driving difficult. The road is not wide enough to accommodate any increase and access/egress from South Villas requires both sides of the road and visibility is poor. People drive in the middle of the road to avoid the overgrowth and debris at the sides.
- The transport statement is inaccurate in its assessment of Dene Road. At the Local Plan Inquiry in 1993, the Highway Authority concluded that it would not be appropriate to increase traffic levels on Dene Road without comprehensive improvements. Other further development at Milsom Place and Dene Barton Hospital has already increased traffic on the road beyond the intended quiet cul-de-sac when the village was developed.
- Along with the Orchard Lodge development, the proposal would create 5 accesses onto Dene Road within 30 yards.
- If the two fields are joined, then a rat-run will be created.
- There are no details of the proposed access from Dene Road.
- The development will be detrimental to the views from the Quantock Hills AONB.
- The development contravenes the original plan to keep development in Cotford St. Luke west of Dene Road. Dene Road should remain the village boundary. This was promised by TDBC and previous applications have been refused for being outside the development boundary and detrimental to the rural character of Dene Road.
- The site is agricultural land.
- The site is very close to a military base.
- Properties in North Villas, South Villas and West Villas would be devalued.
- Other sites in the village are more suited to development. No decision has been made on potential new allocations, so this site remains contrary to the development plan.
- Dwellings in North Villas will be overlooked.

- The development is not being proposed jointly with the site to the north, as advocated by the SADMP and therefore, will not limit encroachment into the countryside as advocated by the emerging plan.
- Development will have a significant visual impact due to the steep topography and views from the south. Dene Barton to the south was dug into the ground to limit views.

In the context of an objection, the following comments were made in the event that planning permission is granted:

- The hedgerow fronting Dene Road should be left in situ.
- Support the provision of allotments, but they are poorly located in a low lying heavy clay area with poor drainage. Land to the north of the site around the orchard area would be preferable. Conditions should ensure that the allotments, play areas etc. are provided before the final houses have been completed.
- SUDS should be used to reduce flood risk. The topography would result in run-off flowing onto the footpath and down the road to the stream.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £324,375.

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)	£37,569
Somerset County Council (Upper Tier Authority)	£9,392

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£225,415
Somerset County Council (Upper Tier Authority)	£56,354

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the site's location, accessibility and links to the existing built form, landscape and visual impact, highway impact, impact on surrounding properties, the impact on community facilities/infrastructure, flood risk and the impact on wildlife.

Principle of development

The site adjoins, but is outside the settlement limit for Cotford St. Luke. It is, therefore, contrary to the development plan, specifically Policy CP8 of the Core Strategy which restricts development outside settlement limits. Policy SP1 of the Core Strategy identifies sustainable development locations including Minor Rural Centres, of which Cotford St. Luke is one. The policy states that:

“New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD” (SADMP).

This application proposes 30 dwellings plus 3 live-work units. The indicative layout plan shows that this quantum of development can be accommodated within the area identified in the allocation for housing, the eastern part of the site accommodating public open space, surface water attenuation features, woodland and parkland tree planting and allotments.

At the present time, despite its advanced stage, the SADMP is not adopted and, so, the development plan must be regarded as silent on the precise locations of new housing development within Cotford St. Luke, although the presumption of some additional development is established by the Core Strategy. The decision is therefore one over the location of new housing within the village rather than the outright principle of development.

Given that the plan is silent on the matter of location, the ‘presumption in favour of sustainable development’ set out in Policy SD1 of the Core Strategy and paragraph 14 of the NPPF is formally invoked. This states (quoting SD1) that:

“...the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the*

National Planning Policy Framework taken as a whole; or

- *Specific policies in that Framework indicate that development should be restricted”.*

The benefits of providing some additional housing in the minor rural centres should be taken as read, given the commitments of policy SP1. What has not yet formally been stated as policy is the precise quantum and location of those developments – this being a job for the SADMP. Whilst it is anticipated that Cotford St. Luke will accommodate 60, such is not yet formally adopted policy, nor is the location within the village. That said, if the development can be found to be sustainable in all other regards (discussed below) then the presumption in favour of sustainable development would apply and permission should be granted unless there is significant and demonstrable harm.

Furthermore, the SADMP is currently at an advanced stage of preparation with the plan due to be published for representations in November prior to submission to the Secretary of State. The Council's preferred option included part of the current application site, showing a potential allocation encompassing part of the field subject of this application and part of the field to the north. This is now extremely likely to be rolled forward into the submitted plan, with an allocation 60 dwellings across the two sites and in this situation a prematurity argument is very weak indeed.

Some concern has been made that promises had been made to existing residents when the existing part of Cotford St. Luke obtained planning permission that development would never occur to the east of Old Dene Road. The context of such promises are not known, but it is fair to say that the entirety of the development to date has been to the west and that previous applications to the east have been refused in the past. That said, the current application must be determined on the basis of the current planning policy context and with regard to the NPPF and this matter is not considered to carry significant weight in the determination of this application.

Mix of development

The application originally proposed to provide 23 market dwellings and 7 affordable homes. If the live-work units are not taken into account, this is only 23% and accounting for the live work units would be just 21%; 33 dwellings would create a need for 8.25 affordable homes. Your officers consider that, whilst the live-work units are a separate policy requirement to the dwellings, they are still residential units and will, as a matter of fact, provide additional dwellings. That said, the live-work units are a different product and it would not be possible to provide 'affordable live-work' units. On this basis, your officers have negotiated a compromise of providing 8 affordable homes and this is considered to be acceptable.

Live-work units are a requirement of Policy SP1 in setting out the overall spatial framework for the Borough and defining the settlement hierarchy. Their provision is, therefore, welcomed in principle. The design and access statement provides the only design indication of the proposed live-work units. The suggestion is to site them on the steepest part of the site, with work accommodation on the lowest level and a two storey dwelling above. This would work well with the levels and allow the

dwellings to retain a private garden to the rear. There may be discussion required as to whether the work area would be best located to the side rather than underneath the dwellings and whether the dwellings above should be 2,3 or 4 bedroom (or a mix), but this can be a matter for the reserved matters application. It is considered that both B1 and D1 (clinics etc.) would be an acceptable use for the work area and this would also broaden the marketability of the units. The use should be limited to planning condition, along with control over occupancy of the dwelling and work accommodation.

Location, accessibility and general relationship to the existing built form

The location of the site is such that future residents would be an acceptable distance from the existing facilities in Cotford St. Luke. The existing cycle and footway networks through the village mean that the primary school and village hall are around 600m from the edge of the site and the shop and pub are within around 450m walking distance. Bus services to Taunton are within 250m.

From an aerial photograph, the site, in isolation appears a rather odd addition, jutting out from the side of the relatively compact existing settlement. However, view would never be seen and limiting the built form to the western side of the site means that it relates well to the existing settlement, especially given Dene Barton Hospital and West Villas to the south. The proposed vehicular link to the south and pedestrian link to the north means that the development links well with the existing built form and existing pedestrian/cycle networks around the village. Where it feels detached is along the majority of the western boundary, due to the sunken nature of the 'closed' section of Old Dene Road at this point. Nothing can be done about this, but the detachment from that part of Old Dene Road would go some way to preserving it's rural character, despite being surrounded by housing development and it is not considered to prevent any development at the site from successfully integrating.

The illustrative masterplan indicates that a vehicular link would be provided to the north, into the remainder of the 'preferred' allocation, such would provide good connectivity with future development, should it occur and would re-open Old Dene Road – albeit on a realigned course and through new development – to through traffic. This has met with substantial concern from local residents and the Parish Council who do not want to see the road become a through route again.

If permission were granted, and then assuming that development would continue to the north, the provision of a vehicular link here would certainly provide the best form of connectivity between the developments and the most integrated built form. However, to do so, would potentially lead to an increased amount of traffic past North Villas and, of greater concern, South Villas – where there is no footway. In this circumstance, it seems reasonable to place some weight on local concerns and the assurances that seem to have been given in the past to these residents that the development of Cotford St. Luke and provision of a new through route would result in reduced traffic along Old Dene Road. Whilst a vehicular link would visually integrate the sites well, a good arrangement, if carefully designed, could also be accommodated if this were just a pedestrian/cycle link. The detail of this could be considered in any reserved matters application and controlled by conditions on any grant of outline planning permission. In conclusion, it is considered that a route should be safeguarded for pedestrian and cycle linkage to the north, but that this

should not be open to vehicular traffic.

With regard to the above, the site is considered to be well located within Cotford St. Luke; access to services, facilities and public transport would be possible with ease by foot or cycle.

Impact on the highway network

The site would be accessed via a new access to the south, which would be formed by extending the closed end of Old Dene Road into the site.

Old Dene Road currently serves 8 dwellings at South Villas, 21 dwellings at Milsom Place and Dene Barton Hospital. Permission has been granted for 24 dwellings at Orchard Lodge and the indicative plans for that application suggests that around 14 of these would be served by accesses from Old Dene Road and Milsom Place. Concern has been expressed by the Parish Council and residents of West Villas that the narrow road, which is reportedly not wide enough for two vehicles to pass in places, together with the lack of footways will result in a detriment to highway safety, particularly for pedestrians wishing to access West Villas.

Information has been submitted regarding the likely traffic impact of the proposal. From the evidence provided, the Local Highway Authority have concluded that traffic flows would be likely to approximately double in the peak hour from one movement every two minutes to one per minute. On this basis, the Highway Authority have confirmed that the impact on the highway network would be acceptable and that they could not support a reason for refusal on the grounds of traffic impact.

Some concern has been raised regarding alteration to southern end of the cycle way as the new length of road enters the site and the proximity of junctions on Old Dene Road. The Highway Authority have noted that the termination of the cycle way where it meets the highway will need some further design work, but it is considered that this is a matter detail that does not need to be agreed before the grant of outline permission. They have been specifically asked to comment on the proximity of junctions, and at the time of writing this is outstanding. Members will be updated at the meeting if necessary.

With regard to the above, the impact on the highway network is considered to be acceptable. The Highway Authority have recommended a number of conditions, but some of these are more relevant to a reserved matters application, such as controlling gradients of roads and private drives. They have recommended that a construction traffic management plan including delivery hours and vehicle routings is imposed. However, vehicle routing is notoriously difficult to enforce and disturbance from construction is better controlled through environmental health legislation.

Landscape and visual impact

The site is on the eastern side of Cotford St. Luke on rising land. The site itself commands long views over the surrounding countryside to the south, particularly at its eastern end giving the impression that it would be highly visible in the landscape from the site.

However, having viewed the site from the B3227 and around, it is clear that there are actually limited public opportunities to see the site. These are generally limited to small gaps in the hedgerow or accesses and in any case, the site is seen in the context of the existing village. The most prominent part of the site is the eastern side and this is proposed to be used for public open space. It is not considered, therefore, that the development would have a harmful visual impact from the south.

When the previous application was considered, the Landscape Lead was concerned that the site would be visible from the northeast, on approach from the Bishops Lydeard direction and at a greater distance from the A358. Here, the existing dwellings at North Villas are visible in the landscape, but the remainder of the village is hidden from view. With some supplementing of the northern boundary hedgerow and some additional tree planting within the rear gardens of these properties (perhaps 2 trees per plot) the Landscape Lead felt that a suitable northern boundary treatment could be provided that would not lead to a 'raw' edge of development, should the site to the north not proceed. The indicative masterplan now shows some additional woodland planting on the northeastern and eastern parts of the site that will help to screen the development from this direction, and together with the parkland trees suggested in the open space, it is considered that the landscape impact would be acceptable.

The formation of a new access to the south would have a landscape impact in that a new gap would have to be formed in the existing hedgerow. The generally narrowing and 'rural lane' character of Old Dene Road as it approaches the 'closed' section would be eroded and it would more resemble an estate road with two footways and 5.5m carriageway. Such a formal arrangement may jar slightly in the views from the south, as Old Dene Road would change in character. However, the wider road with two footways does start adjacent to the hospital to the south of the site and, although the road will no longer be seen continuing into the narrow section, it is not considered that the change is so harmful as to warrant the refusal of permission on this basis.

It would appear that the access itself could be provided through a gap between adjoining trees, only necessitating the removal of the hedgerow, which would be acceptable in landscape terms. The proposed future landscaping of the site is a reserved matter and, therefore, would appropriately be a condition of that future approval.

Impact on surrounding properties

There are neighbouring properties all the way along the western site boundary, on the opposite side of Old Dene Road.

Starting at the northern end, North Villas face the site and are raised up above the highway level. The application suggests that the existing boundary hedge would be removed at this point and new dwellings would be constructed facing the existing dwellings across the road turning this part of Old Dene Road into a two-sided street. This is considered to be the correct approach from an urban design perspective, although it would significantly alter the outlook from the existing residential properties. The supporting information confirms that it is intended that new

dwellings in this location are provided with a separation of 21m from the front elevations of the existing dwellings and this is considered to be acceptable.

Moving south, 1 West Villas has been extended towards the site and now has large windows at ground and first floor looking towards the site. The indicative layout proposed suggests a dwelling that, if conventionally built, may cause some overlooking of this existing dwelling, but again, this can be dealt with at reserved matters stage. The separation distances mean that the development would be unlikely to cause an adverse overbearing impact on this dwelling, although its outlook will be significantly changed.

At the southern end of the western boundary, properties on Milsom Place back onto the site. With regard to the indicative layout, the alignment of dwellings here would likely follow the access road, the location of which is governed by the existing termination point of Old Dene Road. It is unlikely, then, that dwellings on this part of the site would cause unacceptable overlooking of Milsom Place.

The Dene Barton hospital campus on the southern site boundary would not be adversely affected by the development.

Impact on/provision of community facilities/infrastructure

This application proposes to provide children's play facilities and allotments. The development would be liable for CIL and, so, no other financial contributions would be required.

Some concern has been raised about school capacity – both Cotford St. Luke Primary School and Kingsmead secondary school in Wiveliscombe. The County Council, as education authority, have not responded to this application as, with the adoption of CIL, they cannot influence the level of contribution from the proposed development. However, in response to previous application, they advised that the two schools were currently operating at or in excess of their design capacity, but that financial contributions could be used to increase the classroom provision. Such would now be funded through CIL.

CIL can also be used to fund improvements/extensions to off-site facilities for active recreation and sports pitches and community hall provision, so the impacts on these facilities are adequately mitigated by the development.

The development would provide on-site allotments and children's play facilities in the form of an enhanced LEAP. This can be required by condition, with future maintenance agreements secured via a Section 106 agreement.

Flood risk

The EA no longer provide bespoke advice for residential developments in Flood Zone 1 (the lowest risk zone) such as this. Instead they have produced area specific standing advice to deal with the principles required at application stage, with a

recommendation that detailed drainage strategies are subsequently agreed by conditions attached to a planning permission. Therefore, it is now for the Local Planning Authority to consider whether the submitted FRA complies with the EA's standing advice, and there are a number of criteria to assess it against.

Having assessed the FRA, it is considered it complies with EA standing advice in that it proposes a discharge rate of 2l/s/ha from the site. Surface water would be attenuated on site through open swales and SUDS features and then discharged to the same watercourse that the site currently drains to in its undeveloped state.

Proposals have not yet been agreed for ongoing future maintenance of the SUDS, and it is recommended that this is finalised before permission is granted. However, it is a technical matter and need not prevent a decision on the application.

The Highway Authority have raised concerns that the development might be seeking to discharge surface water to an existing highway drain. However, reading the FRA, this does not appear to be the case, the only flow to the highway drain would be an attenuated flow from the new length of highway – not the wider surface water drainage of the site.

Impact on wildlife

The application was accompanied by a fairly aged wildlife survey. However, your Biodiversity Officer has agreed that it forms an adequate basis for a baseline assessment of the ecological value of the site due to its findings. The report found that there was limited potential for wildlife to be present on the site, although the trees and hedges may be used as foraging/commuting routes for bats. It is not considered that any protected habitats or species would be harmed by the carrying out of the proposed development and, therefore, with appropriate conditions the protection of any wildlife that does exist on the site can be ensured, together with enhancements through additional landscaping and habitat provision.

Conclusions

The issues raised in this report have found that the site is capable of being developed without significant harm to existing facilities or neighbouring residential properties. It is considered that the development can be accommodated on site without detriment to the visual amenities of the area. It would not have an unacceptable impact on the highway network and is well located for ease of access to facilities and services by means other than the private car.

Suggestions have been made by the Parish Council and in other representations that the development of the site is premature, ahead of the adoption of the SADMP. However, the emerging plan looks set to allocate this land as part of an overall allocation for 60 dwellings. This application seeks to provide half of that allocation on approximately half of the land and in this context it is not considered that significant weight should be given to a prematurity argument. It is also reasonable to consider the live-work units in addition to the housing requirement as they are stated separately in Policy SP1. Fundamentally, the foregoing discussion has shown that the site would not cause significant or demonstrable harm in respect of any of the

main material considerations and it is well linked to the existing urban area. With regard to the other development plan policies and the NPPF taken as a whole it is, therefore, considered to be sustainable development and it is recommended that 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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