

Application Details	
Application Reference Number:	14/21/0024
Application Type:	Outline Planning Permission
Earliest decision date:	21 April 2022
Expiry Date	27 September 2021
Extension of time	31 March 2022
Decision Level	Committee
Description:	Application for Outline Planning with all matters reserved, except for access and landscaping, for the erection of up to 28 No. dwellings with associated works, formation of access, landscaping, ground engineering and drainage works on land to the west of Derham Close, Creech St Michael
Site Address:	<u>LAND TO THE WEST OF DERHAM CLOSE, CREECH ST MICHAEL, TAUNTON</u>
Parish:	14
Conservation Area:	None
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	None
Case Officer:	Darren Roberts
Agent:	Polden Planning
Applicant:	WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD
Committee Date:	28 April 2022
Reason for reporting application to Committee	Number of objections

Recommendation

That planning permission be GRANTED subject to a S106 Obligation and conditions.

Executive Summary of key reasons for recommendation

The provision of 28 dwellings in this location in outline form would deliver sufficient benefits to outweigh any harm to the community. Approval would be subject to a legal agreement, conditions and a further application to determine reserved matters.

Planning Obligations and conditions and informatives

Conditions (full text in appendix 1)

1. Outline permission and time scale
2. Drainage Details

3. Samples of Materials
4. Boundary Details
5. Meter Box Details
6. Parking Spaces
7. Nesting birds
8. Flood Risk Details
9. EV Charging points
10. CEMP (environmental and highways)
11. NE licence details
12. Landscaping scheme
13. Lighting scheme
14. Access Details
15. Estate Road details
16. Footpath connection details
17. Consolidation of footpaths
18. Dust and Mud Control
19. Condition Survey
20. Travel Plan

Informatives (bullet point only)

1. Proactive Statement
2. Wildlife Informative
3. Highway Works Legal Agreement
4. Sewer connections licence

Obligations

1. Woodland Creation for Phosphate Mitigation
2. Maintenance and management of woodland
3. Biodiversity Enhancement
4. Affordable Housing
5. Proposed development, site and surroundings

Details of proposal

1. This is an application in outline form for the construction of up to 28 dwellings on land accessed from Derham Close. Permission is sought for access and landscaping, including the formation of an access and engineering and drainage works. The appearance, layout and scale of the development are reserved for future approval. The application has been amended from its original proposal to construct 35 dwellings.

Site and surroundings

2. The site is to the west of the existing residential development at Derham Close,

which has recently been completed as a development of 44 houses. The site is an agricultural field of some 3.2 hectares. There are hedgerows bordering the site to the north, east and west. Beyond the eastern hedgerow is the Derham Close development, to the north is land associated with a farm house, and to the north west and west are further fields. The Taunton to Bridgwater Canal lies along the southern boundary. There is a significant slope from north to south, with the lowest land adjacent to the canal being approximately 10 metres lower than the high point in the north east corner of the site.

Planning (and enforcement) history

Reference	Description	Decision	Date
14/15/0034	Outline application with some matters reserved for the erection of 35 no. dwellings	Refusal	18/03/16
14/16/0031	Outline application with some matters reserved for the erection of 35 no. dwellings	Refusal	04/11/16

Environmental Impact Assessment

4. The site is not Schedule 1 development and lies below the threshold for Schedule 2 development. An Environmental Impact Assessment is not required.

Habitats Regulations Assessment

5. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.
6. The project being assessed here will result in a positive phosphate output and therefore the waste water from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the surplus in the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
7. In response to this situation, the applicant has calculated the phosphate load created by the number of proposed dwellings, and seeks to provide mitigation which would demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
8. The mitigation is proposed in the form of woodland planting, in two areas. The

first area is adjacent to the site, to the north and west between the M5. The second area is in Norton Fitzwarren, in an area under the ownership of the applicant.

9. A 'shadow' Habitat Regulations Assessment has been submitted by the applicant, and this has been considered by the LPA, Natural England and Somerset Ecology Services.
10. Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.
11. Somerset Ecology Services, as the Council's/LPA's retained Ecologists, have agreed that the sHRA can be adopted by the Council as the appropriate assessment under the Habitat Regulations. This is subject to the imposition of a planning obligation, under Section 106 of the Act, requiring the mitigation to be linked to the development and to be in place prior to occupation of the dwellings and retained in perpetuity.
12. In addition, a Habitat Regulations Assessment is also required in relation to the proximity of the site to the Hestercombe Bats. The application site and proposed mitigation land is within Zone C of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bats. The change in land use as a result of the proposed phosphate mitigation has the potential to affect the habitats for bats. A Landscape and Ecological Management Plan has been produced, and the conclusion from Natural England is that a likely significant effect is unlikely. Conditions are required to ensure that proposals do not increase lighting levels to the surrounding habitat, including the canal.

Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

Date of consultation: 29/06/2021

Date of revised consultations: 11/01/2022; 31/01/2022; 31/03/2022

Press Date: 02/07/2021

Site Notice Date: 02/07/2021

Statutory Consultees the following were consulted:

Consultee	Comment	Officer comment
WEST MONKTON PARISH COUNCIL (adjoining council)	Lighting should be LED Rainwater capture must be via attenuation	Lighting and drainage conditions proposed
Consultee	Comment	Officer comment
CREECH ST MICHAEL PARISH COUNCIL	Object Contrary to LP Core Strategy Contrary to NP	See paragraphs 19-25
SCC – ECOLOGY	HRA can be adopted subject to agreement with Natural	Both SCCE and NE have stated that the sHRA can be

	England Section 106 required to deliver mitigation and maintenance.	adopted by the authority, this would be a recommendation of approval.
Consultee	Comment	Officer comment
	Requires HRA due to bats Section 106 required to deliver bat habitat Requirement for conditions on lighting, CEMP, bats, newts	
Consultee	Comment	Officer comment
LEAD LOCAL FLOOD AUTHORITY	SuD's hierarchy needs to be considered. Details of overland paths needed Consultation with CRT required	Consultation with CRT has taken place. Conditions can require details of drainage paths.
Consultee	Comment	Officer comment
SCC - CHIEF EDUCATION OFFICER	Due to number of dwellings we do not require a contribution	Noted
Consultee	Comment	Officer comment
SCC - RIGHTS OF WAY	No response	
Consultee	Comment	Officer comment
SCC - TRANSPORT DEVELOPMENT GROUP	Will result in an increase in vehicle movements, but this is not likely to be severe. No objection subject to conditions	See paragraphs 31-35
Consultee	Comment	Officer comment
WESSEX WATER	No comments	
Consultee	Comment	Officer comment
ENVIRONMENT AGENCY	No comments	
Consultee	Comment	Officer comment
HOUSING PROPERTY MANAGER	No comments	
Consultee	Comment	Officer comment
POLICE ARCHITECTURAL LIAISON OFFICER	Difficult to make comments at outline but concern over additional footpaths outside of site	Noted
Consultee	Comment	Officer comment
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No comments	
Consultee	Comment	Officer comment
SOUTH WESTERN AMBULANCE SERVICE	No comments	

Consultee	Comment	Officer comment
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	No comments	
Consultee	Comment	Officer comment
NATURAL ENGLAND	Having considered the Appropriate Assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given	As NE support the appropriate assessment the Council as competent authority can ensure the mitigation measures are secured in perpetuity through a S106 obligation.
Consultee	Comment	Officer comment
WESTERN POWER DISTRIBUTION	No comments	
Consultee	Comment	Officer comment
SOMERSET WASTE PARTNERSHIP	No comments	
Consultee	Comment	Officer comment
CANAL & RIVER TRUST	Suggest further details of landscaping adjacent to the canal. No lighting should be provided adjacent to the canal. Commercial agreement required for surface water entering the canal	Conditions are recommended by the CRT and will be added in the event of approval. No lighting is proposed adjacent to the canal.

8.4 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
LANDSCAPE	Amended proposals Generally supportive, but insufficient details on plant species, sizes, numbers etc	See paragraph 38
	Plan appears to be indicative Issues with LEMP detail	

PLACEMAKING SPECIALIST	Represents urban sprawl No case made on sustainability of placemaking grounds	Comments submitted on initial scheme. See paragraphs 26-28
TREE OFFICER	Detailed scheme should include larger tree species	See paragraph 38.
HOUSING ENABLING	Should include a mix of first homes, social rented and shared ownership. 25% to be affordable	This would be subject to a S106

Local representations

13. Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.
14. 57 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Schools, GPs etc are at capacity	See paragraph 43
Access is poor	See paragraphs 31-35
No need for more houses	See paragraphs 19-25
Outside of the development boundary; contrary to the Development Plan	See paragraphs 19-25
Too close to existing houses	See paragraph 37
Brownfield sites should be used	The Development Plan has considered the use of brownfield and greenfield sites in residential allocations
Pollution and dust during construction	See paragraph 44
Dwellings should be 1 and 2 bedrooms and affordable	See paragraphs 26-28 and 30
Rear car parking courts are unsuitable	These have been removed from the revised scheme
Loss of green spaces	This is agricultural land with no current public access; proposal will include access through the site
Poor bus service will encourage car use	See paragraphs 19-25
Will be viewed from the M5	See paragraph 38
Issues with access for emergency vehicles	See paragraphs 31-35
Loss of wildlife including badgers and newts	See paragraphs 39-40
Support	Officer comment
None	

Summary of objections - non planning matters

Application papers do not reflect property boundaries
Opportunist application by developers

Summary of support - non planning matters.
None

Relevant planning policies and Guidance

15. Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan for the site comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013) and the Creech St Michael Neighbourhood Plan (September 2019).
16. Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.
17. Relevant policies of the Development Plan in the assessment of this application are listed below:

CP8 - Environment,
CP1 - Climate change,
SD1 - Presumption in favour of sustainable development,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
DM1 - General requirements,
DM2 - Development in the countryside,
DM5 - Use of resources and sustainable design,
C2 - Provision of recreational open space,
A1 - Parking Requirements,
A3 - Cycle network,
A5 - Accessibility of development,
I4 - Water infrastructure,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV3 - Special Landscape Features,
ENV5 - Development in the vicinity of rivers and canals,

D7 - Design quality,
D8 - Safety,
D13 - Public Art,
SB1 - Settlement Boundaries,
A2 - Travel Planning,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (Version 2 March 2022) and Net Zero Carbon Toolkit

National Planning Policy Framework

Achieving sustainable development
Decision making
Delivering a sufficient supply of homes
Promoting healthy and safe communities
Making effective use of land
Achieving well-designed places
Conserving and enhancing the natural environment

18. Planning Issues

The main planning issues relevant in the assessment of this application are the principle of development; design; quality of living accommodation; provision of affordable housing; access, highway safety and parking provision; impact on character and appearance of the area; residential amenity; trees and landscaping; ecology/biodiversity ; flood risk/energy efficiency, heritage impact and other matters. These are dealt with in turn below

The principle of development

19. The site lies to the west of the built up part of the existing village of Creech St Michael. It is outside of the development boundary for the village, as indicated in the Site Allocations Document of the Local Plan. This shows other developments in Creech St Michael which have now been built - most notably MIN4 which refers to the development of houses now known as Derham Close, from which it is proposed to gain access to the proposed development.
20. Somerset West and Taunton publishes its 5 Year Housing Land Supply position annually in the SHLAA/SHELAA, the most recent document relates to 2021. For the former Taunton Deane area we have a supply of 5.47 years of housing. This figure includes sites which at the time of the publication were deemed to be deliverable. However this figure is constantly changing. It is anticipated that the 2022 SHLAA will be published within the next month and the 5YHLS figure will then be able to inform applications. Nonetheless, the

NPPF is clear that the presumption in favour of sustainable development should apply in decision making, meaning that any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies within the Framework as a whole.

21. Core Strategy Policy DM2 states that outside of settlement limits certain uses will be supported (not including housing development) although it does not state that other types of development will be refused. Other uses should therefore be determined against Policy CP8, which provides that development outside of settlement boundaries will be permitted where a number of criteria are met. Policy A5 of the Site Allocations Document also deals with accessibility, and states that residential development is acceptable where it is within walking distance, or has access by public transport to employment, convenience and comparison shopping, education, health care, leisure and other facilities.
22. In the case of this site, access to the primary school, health centre, shop and post office, playing field, public house and churches are available within walking distance of the site, and would be accessed along lit roads and by a canalside footway. The village does not benefit from a range of employment opportunities (although the concept plan and outline application for Monkton Heathfield shows a large employment area immediately the other side of the M5) or from a secondary school. A bus service connects the village to Taunton and Wells with a two hourly frequency, although this does not operate at evenings or on Sundays.
23. This approach to the principle of development has been established since the 'Bagley Road' appeal in Wellington in 2018, which is a material consideration. In that case, the Inspector decided that a site which was well related to the settlement, accessible along footpaths and was not considered to have any impact on the landscape of the area was considered to be acceptable in principle, despite being located outside of the development boundary. Since August 2020 housing delivery has been more challenging with the issue of phosphates delaying many development schemes. It is acknowledged that a previous application for 35 homes was refused in 2016 (before the Bagley Road decision). The reason for refusal incorporated the impact on the scale and character of the village, and the impact on landscape views from the canal.
24. In 2019, Creech St Michael made a Neighbourhood Plan (NP) which is now part of the Development Plan. This does not explicitly state that all development should be within the development boundary or rules out further development. Policies within the NP outline how major development should deliver a number of key aspects within the vision for the village, for example enhanced walking and cycling, traffic management, and identifying local housing need.
25. It is necessary to balance the location of the proposal site with other considerations, such as the provision of affordable housing, deliverability of phosphate mitigation and employment opportunities. This will be undertaken at the end of the report.

Design of the proposal

26. An indicative layout shows the arrangement of 28 houses along a number of short roadways. Plots are mainly two storey, however 5 bungalows are shown at the furthest west point of the site, fronting the proposed woodland. There would be a small hard landscaped space in the centre of the development, which acts as a focal point for development, otherwise properties generally front the roads with parking to the sides or within discrete parking areas. Rear parking courts have been removed in the revised scheme, which accords with the principles of the design guide. The provision of 5 bungalows would comply with the requirement set out in the Neighbourhood Plan. Sizes and number of bedrooms of dwellings are not shown at this outline stage and would be the subject of further submissions at the reserved matters stage, although it is indicated that a policy compliant scheme with 25% affordable housing (7 units) will be achieved. This would be secured as part of a legal agreement via Section 106.
27. Due to the topography of the site, which drains south towards the canal, a large area of scrub wet meadow and trees is proposed as a buffer between the development and canal, and this would include attenuation basins. This would create areas of public open space similar to that which currently exists on the adjoining development. It is accepted that these features may not demonstrate the most appropriate use of the SuDs hierarchy, and therefore further information will need to be received at reserved matters stage, and a condition imposed to that effect in the event of approval at outline stage. The layout of the development reflects the topography of the site.
28. The Design Guide gives guidance on how to develop a design concept, and on general principles of layout and design. The scheme generally accords with the principles within the guide, being an outward looking scheme, minimising parking in the front of houses, and with some attempt to provide a hierarchy of buildings. The existing hedgerows have been maintained and balancing ponds incorporated, with a range of paths and green spaces through the site. Further design details and elevation details would be required at the reserved matters stage.

Quality of Accommodation

29. The application in its outline form does not detail the appearance, layout or scale of the proposed development. A palette of proposed materials is shown with the Design and Access Statement, and reference to nearby properties which are considered to be of a good quality. Details would need to be considered at the reserved matters stage.

Affordable Housing

30. The application proposes 25% of housing to be affordable, in line with the policy requirement. This would equate to 7 dwellings. Full details of the type and tenure of the dwellings would need to be agreed and included within a Section 106 agreement, in line with Policy CP4 of the Core Strategy.

Access, Highway Safety and Parking Provision

31. Access is proposed via a spur from the existing Derham Close, between properties numbered 37 and 38. Revised plans have been submitted which show a vehicular access narrowing to a single width of 3 metres, with a 1.5 metre path, flanked by transition strips. Pedestrian accesses are also proposed in the south east corner of the site, adjoining the canal, to link to the existing Derham Close open space, in the south west corner to continue the path along the northern edge of the canal, and in the north west corner to connect with the footpath which runs from Hyde Lane to the M5 and Bathpool.
32. A number of concerns have been raised by the Highway Authority (HA). This includes the fact that the current Travel Plan is inadequate, although it is acknowledged that this can be dealt with by condition.
33. The access into the site has been assessed by the HA. This acknowledges that the access had to be amended due to ownership issues into a single lane, with a footway. The HA states the need to widen the proposed width from 5.0m to 5.5m, but to remove transition strips for pedestrians. The details at the access are unclear, for example whether concrete kerbs are included and what street lighting is being proposed. As a result, it is recommended that revised details are submitted for approval before works can commence.
34. Other concerns relate to the specific design of the internal road layout, including width of footways and ability of delivery and refuse vehicles to navigate bends. In this respect, it has to be acknowledged that layout is a reserved matter, and there is the ability to redesign the layout to allow for turning to take place, and for swept path analysis diagrams to show how this can be achieved. This would still allow for the proposed number of dwellings to be delivered within the scheme, and for a layout to be achieved which would comply with both the design guide and manual for streets. The response from the Highway Authority is that the application can proceed to determination, with highway conditions being imposed.
35. This is in accordance with the requirements of the NPPF paragraphs 110-113, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF outlines the need for priority to be given to pedestrians and cyclists, and for a Travel Plan to be provided.

The impact on the character and appearance of the locality

36. Proposed development would extend the extent of the village further west, adjoining the existing recently built development at Derham Close. Footpath linkages offer opportunities to link with existing paths which currently terminate at the Derham Close open space, whilst views of the site would be limited by the proposed planting to the west and adjacent to the canal.

The impact on neighbouring residential amenity

37. The existing hedge which forms the eastern boundary of the site will maintain privacy for the existing residents of Derham Close. It is not considered to be likely that there will be any issues of overlooking or overshadowing existing

properties. Whilst an indicative layout is shown, full details will need to be submitted at the reserved matters stage. This is considered to be in accordance with Policy DM1 of the Core Strategy by making efficient use of land whilst not impacting on the character of the existing settlement.

The impact on trees and landscaping

38. The proposal includes numerous on and off-site planting proposals, including commercial orchards and a woodland belt which would soften the appearance of the development when seen from the M5 direction. This is considered to be a positive benefit to the proposal. However, there remains a concern that the application lacks sufficient detail on type and species of planting. However, the principle of the amount and location of planting is supported therefore it is suggested that this can be achieved by agreeing details at the reserved matters stage. This would be in accordance with Policy ENV2 of the Site Allocations and Development Management Plan.

The impact on ecology and biodiversity

39. The Preliminary Ecological Assessment submitted with the application has been assessed by the County Ecologist and Natural England. The conclusions are that there are habitats within the existing hedgerows for nesting birds, reptiles and amphibians, that bat roost features have been identified within a tree on the boundary, and that there is extensive badger activity along a boundary. The proposed phosphates mitigation sites will result in a gain of optimal habitat for the species, conditional on the reinstatement of grassland around the orchard and wildflower planting. Conditions are recommended in respect of bats, including lighting, and great crested newts. A Section 106 is proposed to include biodiversity enhancement and Landscape and Ecological Management Plan (LEMP).
40. The NPPF in paragraph 180 requests that opportunities to improve biodiversity in and around developments; this requirement would seek to achieve that.

Flood risk and energy efficiency

41. The site falls from north to south towards the canal. It is situated within Flood Zone 1, with the exception of a small area adjacent to the canal which is in Flood Zone 2. It is not proposed to develop the area adjacent to the canal, and therefore there is not considered to be any increased risk of flooding to the area. Nonetheless, risks of surface water flooding need to be considered. There is a small area of surface water flooding in the north of the site, where the land is relatively flat. The surface water strategy is to discharge all water into the canal to the south. As a result the Canal and River Trust have been consulted on the application, in addition to the Lead Local Flood Authority.
42. Policy I4 of the Development Plan requires that adequate drainage, including surface water disposal, should be provided for all new development. The LLFA have therefore requested infiltration tests to be undertaken prior to development.

Any other matters

43. Whilst it is stated that there is insufficient infrastructure to support the additional housing, no objections have been raised from the Education department in terms of the need for additional school accommodation, and no response has been received from the NHS. It is acknowledged that a significant number of trips are likely to be by private car, although there is a bus service into Taunton which could be used by residents, which stops at the end of Hyde Lane.
44. Any permission would be subject to a Construction Management Plan, which would consider issues of access by construction vehicles, dust and mud control and routing of vehicles through the site
45. No development is proposed within the flood plain, however concerns have been raised regarding drainage through the site. It is therefore not proposed to adopt the drainage layout as submitted, but to require details which address the concerns of the Local Lead Flood Authority at the reserved matters stage.
46. Finally, there is a policy requirement (D13) for public art to be introduced into developments of this size. This is not shown at this stage, but we would require a suitable scheme to be submitted at the reserved matters stage.

Heritage impact

47. The site is not within a Conservation Area and there are no listed buildings close to the site. The Bridgwater and Taunton Canal is listed as a heritage asset but due to the distance between the built development and the canal it is not considered that the heritage value of the canal will be harmed by development.

Planning balance

48. It is acknowledged that the site is outside of the development boundary for Creech St Michael as shown in the adopted Development Plan. The village has seen a number of new developments in the past ten years, in accordance with the allocations outlined within the Development Plan. This development would therefore increase the number of dwellings in a village which has seen recent new development. It is also acknowledged that the village does suffer from congestion at times, due to its position between Taunton and the A358, particularly at the moment due to the closure of Bridgwater Road at the Creech Castle junction.
49. Balanced against this, is the considerable amount of landscaping and planting proposed and the creation of further public open space adjacent to the canal. In addition, the proposal will deliver more housing, including much needed affordable housing, in a location close to facilities such as shops, a health centre and schools, and deliver some employment benefits during the construction phase.
50. This is an outline application so whilst there are concerns over the details of landscaping and uncertainty in relation to the size and appearance of dwellings, these matters would be subject to a further reserved matters

application which would need to be determined by the authority. Whilst there are some concerns over the details of the submitted highway arrangements these can be achieved by imposition of conditions.

51. A S106 legal agreement would be required to deliver a number of aspects of the scheme, including the delivery of the woodland mitigation, biodiversity, and affordable housing.
52. The NPPF is clear that decisions must be taken in accordance with an up to date Development Plan, whilst considering the principles of sustainable development. It is considered that, whilst the site sits outside of the development boundary and therefore could be considered to be contrary to Policy SP1, it would be difficult to sustain an objection in principle due to Policy CP8, which gives criteria where development outside of settlement limits would be permitted. Furthermore the development meets the accessibility tests set out in Policy A5 of the Development Plan. In terms of the Creech St Michael Neighbourhood Plan, it is considered that the proposal meets the policy requirements of CSM1, CSM2, CSM3, CSM4 and CSM6. For the reasons outlines above it is considered that the proposal accords with the Development Plan.

Local Finance Considerations

Community Infrastructure Levy

53. (Response based on original proposal for 35 homes) Creation of dwellings is CIL liable.

Outline application so no detailed plans available.

Accurate CIL liability will be calculated at Reserved Matters approval.

Using Residential Testing Assumptions for medium density development (40dph) at outline stage this proposed development measures approx. 3240sqm.

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 £405,000.00. With index linking this increases to approximately£575,000.00.

Conclusion

54. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that outline planning permission is granted subject to a S106 legal agreement requiring the following:
 - Development carried out in accordance with the Nutrient Neutrality Assessment and Mitigation Strategy as submitted
 - Provision and maintenance of on-site and off-site orchard planting
 - 25% housing to be affordable with tenure mix to be agreed by officers
55. In preparing this report the planning officer has considered fully the

implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

Conditions

1. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call '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 two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the 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: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo 15.37.100B Site Location Plan
(A3) DrNo 15.37.101A Illustrative Layout
(A3) DrNo 15.37.102 Landscape Plan
(A3) DrNo 15.37.201 Boundaries Management Plan
(A1) DrNo 3205.001A Wider Landscape Plan

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

3. Further details showing drainage and proposed sewage and attenuation systems shall be submitted at the reserved matters stage. Such details should include rates of discharge, details of infiltration testing, demonstration of the SuDs hierarchy and overland flow routes.
Infiltration testing shall be carried out in accordance with the BRE365 with infiltration logs / data provided, prior to any further submission of reserved matters applications in relation to this outline planning permission.

Reason: In order to demonstrate that flood risk is not exacerbated by the proposal, and to incorporate sustainable drainage systems within the development, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy and Policy I4 of the Site Allocations and Development Management Plan

4. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority,

Reason: To reinforce the local character and distinctiveness of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Local Plan Policies DM4 and DM5.

6. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Core Strategy policies DM4 and DM5

7. The Development hereby permitted shall not be occupied until parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles in accordance with current policy standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason:- In the interests of highway safety

8. No removal of scrub or demolition of buildings shall take place between 1st March and 31st August inclusive in any year, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

9. Prior to the commencement of development of the site the following information is to be submitted and agreed in writing with the Local Planning Authority:

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 Soakaway Design methodology;
- Should infiltration be proposed, confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 year return period storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 year return period storm event;
- Calculations that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year return period storm event and allowing for the potential effects of climate change;
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawings demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- If discharge to the public sewerage system is proposed, confirmation that this has been agreed with the relevant authority;
- Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;

- Demonstration that appropriate access is available to maintain drainage features, including pumping stations; and,
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third-party management company

Reason: To minimise the impact of flooding in accordance with CP8 of the Core Strategy.

10. Prior to first occupation of the development hereby permitted, access to covered cycle and electric vehicle charging points will be made available to all dwellings. This is to be provided through garages or shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

11. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- i) Risk assessment of potentially damaging construction activities.
 - ii) Identification of “biodiversity protection zones”.
 - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species (amphibians, badgers, bats, birds, dormice, reptiles, otters and water vole), followed by appropriate mitigation, as required.
 - iv) The location and timing of sensitive works to avoid harm to biodiversity features.
 - v) The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - vii) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
 - viii) Use of protective fences, exclusion barriers and warning signs.
 - ix) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

The provisions within the submitted Landscape and Ecology Management Plan (LEMP) shall be adhered to and the recommendations carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the ‘Favourable Conservation Status’ of populations of European Protected Species and UK

protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

12. No development shall commence until a lighting design for bats has been submitted to and approved in writing by the Local Planning Authority. The design shall:
- Identify those areas/features on site that are particularly sensitive for lesser horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.
 - Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels accords with Step 5 of *Guidance Note 08/18 Bats and artificial lighting in the UK*) and do not exceed 0.5 Lux so that it can be clearly demonstrated that areas to be lit will not disturb or prevent lesser horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.
 - Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

13. No development shall take place (including ground works or vegetation clearance) until the Local Planning Authority has been provided with either:
- A copy of the licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to go ahead; or
 - A statement in writing from the licensed Great Crested Newt ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

14. No development shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5 years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of any buildings.

Reason: to comply with Paragraph 174 of the NPPF and to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived

15. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: to comply with Paragraph 185 of the NPPF as the lighting at waterside developments should be designed to minimise the problems of glare, and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure

16. Further details of the proposed access, as indicated on drawing 21040-SK01 Rev A, shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement and thereafter constructed in accordance with the agreed details and be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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, motorcycle and cycle 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.

Reason: In the interests of highway safety

18. None of the dwellings hereby permitted shall be occupied until a scheme for a network of cycleway and footpath connections within the development site and with appropriate links through the site boundary to the existing external network has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be constructed and be made available for use in accordance with a phasing strategy to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy CP6 of the Taunton Deane Core Strategy

19. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and residential amenity

20. The development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development in accordance with Policy A2 of the Taunton Deane Adopted Site Allocations and Development Management Plan

21. No development shall commence unless a Construction Environmental Management Plan (Highways) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include the following details:
 - a. Construction vehicle movements;
 - b. Construction operation hours;

- c. Construction vehicular routes to and from site;
- d. Construction delivery hours;
- e. Expected number of construction vehicles per day;
- f. Car parking for contractors;
- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- h. A scheme to encourage the use of Public Transport or car sharing amongst contractors;
- i. Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users or nearby residents

22. All vehicles leaving the site shall be 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 works commencing on site, and thereafter maintained until the construction phase is completed.

Reason: In the interests of controlling pollution in accordance with Policy DM1 of the Taunton Deane Core Strategy

23. A Condition Survey of the existing public highway shall be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety

Notes to applicant.

1. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
2. In accordance with Paragraph 38 of the National Planning Policy Framework

21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

3. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK 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 in the breeding season (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 Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm 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. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

4. The application will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
5. A Section 50 licence will be required for sewer connections within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel – 01823 357521