

26/08/0010

MR S LING

**ERECTION OF 20 NO. AFFORDABLE DWELLINGS AND PROVISION OF RECREATION FIELD AND PLAYGROUND AREA ON LAND OPPOSITE THE VILLAGE HALL, NYNEHEAD (AMENDED DESCRIPTION) AS AMPLIFIED BY E-MAIL DATED 15TH JANUARY 2009**

314515.123011

Outline Planning Permission

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**PROPOSAL**

The application is in outline. The proposal provides for 15 social rented units (1 two bed flat, 8 two bed dwellings, 5 three bed dwellings and 1 four bedroom dwellings) and 5 low cost market units (1 two bed flat, 2 two bed dwellings and 2 three bed dwellings). Two of the dwelling units will be bungalows suitable for elderly residents. Each house will be provided with 2 allocated parking spaces and the flats and bungalows will have 1 allocated parking space. Visibility splays of 45m will be provided in each direction.

The application was accompanied by an Ecological Assessment.

The applicant has indicated that the proposals have come about following a threat to close the local primary school because of a shortage of young children to make up the numbers to the recommended standard. He has offered to make land available in the village to be developed for social and low cost housing for locals in order to keep young people with young children in the village.

**SITE DESCRIPTION AND HISTORY**

The site is part of a slightly undulating flat area of agricultural field with a boundary hedge fronting the road.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*Nynehead Parish Council - Object.*

*Somerset County Council - Transport Development Group - The site lies outside any recognised development limits, where it is remote from services and facilities, and is considered unsustainable in terms of transport policy. The proposal is contrary to the aims of PPG13 and RPG10 and is contrary to Policies STR1 and STR6 of the Structure Plan.*

I believe that the housing is proposed as affordable to meet an established local need. As such it must be a matter for the Local Planning Authority to determine if there is an overriding need that would outweigh the sustainability concerns raised.

If there is no overriding need established, the Highway Authority would recommend that this application be refused on sustainability grounds.

The following observations are made without prejudice to the sustainability issue, and deal only with technical detail of the proposal.

The highway approaches to the site are generally narrow, poorly aligned, and have sub-standard junctions. There is a single recorded Personal Injury Accident in the location of the site within the last five years, involving a collision between a taxi and an agricultural vehicle. Whilst this is a consideration in determining this application, it may be possible for the developer to offer improvements to the highway, given the length of the site frontage, to assist in avoiding the re-occurrence of such an incident in the future.

The proposed 20 dwellings will lead to an increase in the size of the settlement by approximately 30%. This will have an associated traffic generation, however I do not feel that there is a problem with capacity on the highway network, and vehicle movements will be split between the three main exits from the village.

I am aware that this is an issue for local residents, and it may therefore be prudent for the developer to address this in order to satisfy local concern.

The development suggests improvements locally to the highway in terms of visibility from the proposed access, and improvements to the alignment of the junction north of the site, close to Roundoak Gardens. This will be of benefit to all road users, although the Highway Authority recommends that forward visibility is also provided through the bend on the site frontage.

The site is accessed from the classified carriageway that runs through Nynehead. Whilst there is no restriction on the speed of traffic through the settlement, vehicle speeds are contained by the nature of the carriageway. It is my observation, that this speed is in the region of 30mph as it passes the site, and as such the appropriate guidance for the design of the access should be taken from Manual for Streets.

There is no detail of the residential layout provided with the application, and as such it is difficult to assess whether the proposed estate road, turning facility and parking provision would be acceptable.

Somerset County Council has embraced the principles of Manual for Streets, and as such it is inappropriate for the road to be laid out in isolation, and a comprehensive scheme should be considered. In addition, it is noted that there are very limited footways available within the wider settlement, and those proposed may therefore be out of place.

As such, I would recommend that this element of the scheme be removed from the application, to allow flexibility in the design and layout at reserved matters stage, should this application be successful.

With regard to the parking provision for the development, the Design and Access Statement is unclear. It specifies 2 spaces per house and one per flat/bungalow. For the proposal to be acceptable in terms of LTP2, and due to the unsustainable nature of the settlement, it will be necessary for there to be two spaces per dwelling across the

development.

The parking that is shown on the submitted plan for 20 cars, drawing number 12/08-01 does not appear to be related to the residential development, and is not mentioned within the D&A Statement. I believe through talking with the agent for the application that this is intended for use in association with the playground and recreation field, but there is no justification for any additional parking within the submission. The existing play facilities within the village do not benefit from parking provision, and it is unclear why this facility needs to provide any. In addition, the site is in close proximity to the village hall, which has its own parking and would appear to be available for public use.

Given all of the above, the Highway Authority recommends the refusal of this application for the following reasons:

- The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- Insufficient information has been submitted regarding parking for the development, to satisfy the Local Planning Authority that appropriate levels are proposed.

*Heritage and Landscape Officer* - The site lies on the edge of the village but in open countryside and would therefore be contrary to TDLP policy EN12. The visibility splay requirements will require the removal of a significant length of hedgerow. The hedgerow is not in good condition but may still be classed as important because of its location next to the roadside. There may be scope for landscape mitigation dependent on the requirements for housing, playground and recreation field.

*Nature Conservation & Reserves Officers* - The site consists of part of an improved agricultural field with a roadside hedge on a bank. The hedge is not continuous, has been significantly restricted by flail cutting and has a large gap in its centre. The site is surrounded by intensive farmland with no significant stands of woodland within 1 km of the site. There are no mature trees on the site. The survey concluded that the hedgerow and bramble offer some potential nest sites for birds but that the hedge is unsuitable for dormice and is unlikely to be productive for foraging bats. There are no signs of badger activity on the site. Consideration should be given to installing bird nesting and bat roosting boxes around the site. Any hedgerow removal should take place outside the nesting season. The hedgerow should be surveyed for protected species prior to removal. Recommends conditions re timing of clearance works and further survey if delay to start. Advisory notes re nesting birds and badgers.

*Housing Enabling Manager* - Supports the application on the basis of some need in both Nynehead and the adjoining parishes as identified on the Housing Waiting List. Support the scheme as a phased scheme bringing forward up to 10 now and phasing the remainder as and when the need is demonstrated.

*Leisure Development Manager* - This village already has a playing field and an equipped play area for children, with a likely application for a grant for providing for young people expected shortly. Cannot see how a community the size of Nynehead

(approx 450 people) could afford to maintain two recreation fields and two playgrounds. Indeed a recent planning application was granted, against the Leisure Department's advice, to allow a change of use of part of the existing playing field to residential use. This development should make off site contributions towards improving the existing facilities in the village, which are less than 300 metres away, in line with policy C4. These sums would amount to £35,700 for children's play and £20,460 for outdoor recreation.

*Drainage Engineer* - Note that surface water is to be discharged to an irrigation lake on adjacent land. A condition should be attached that a comprehensive surface water disposal system will be required and approved before any works commence on site. The applicant should investigate Sustainable Urban Drainage methods (SUDS).

*Wessex Water* - The development is located within a foul sewer area. Points of connection for this and water supply can be agreed at detailed design stage. There may be uncharted sewers or water mains within or very near to the site.

*Forward Plan & Regeneration Unit* –

*Campaign to Protect Rural England* - Supports the principle of building low cost housing in rural areas, where there is a clearly established need for local people. Question whether the need for 20 such dwellings has been established and whether this is the best possible available location. Understand that there is a need for 7 low cost dwellings in the parish. It is further understood that the applicant, in the event of planning permission being granted, would initially have 10 dwellings built, keeping the right to build a further 10 if and when the need arose. Question who would decide when that extra need existed. It would clearly be better for planning permission to be granted for a specific identified need and nothing more. There might otherwise be a presumption in favour of future development there, rather than at some more favourable site which might become available. On the question of location, the site is in open countryside, where there is a presumption against any building development. There is a policy of exception for low cost housing, but the land here is designated as 'best and most versatile' agricultural land and it is suggested that permission should not be countenanced if a more suitable site were available, which appears to be the case at Poole (26/08/0011). This is a brownfield site in Nynehead parish close to regular bus services to Wellington and Taunton, whereas all the village hall site seems to have is a once a week bus service to Wellington. Bearing in mind that the population in the UK and worldwide is predicted to continue rising, that land available for food production is declining and that costs of fuel and agricultural inputs will in the long term only increase, agricultural land must be conserved. This should be the overriding consideration in this case. Any planning permission granted should be subject to Level 4 of the Code for Sustainable Homes.

## **Representations**

### ONE LETTER OF SUPPORT

- Have family who have been brought up in the village and would like to continue living here.
- Would not be fighting to keep the school open if there was more affordable housing.
- Without young families the village will become another retirement village with

house prices too expensive for locals.

- Will provide a new park that will be suitable for all year use. Will allow the village football team to have a home.
- At the moment there is no parking at the village playing field and visiting people from the bottom of the village often have to park in dangerous spots.

### 38 LETTERS OF OBJECTION

- The proposal is contrary to Taunton Deane Local Plan policies, Regional Planning Guidance and National Planning Policy Statements, including affordable housing exception policies.
- The site is in an unsustainable location.
- The development would be immensely intrusive in the landscape.
- Would permanently destroy a substantial Greenfield area of best and most versatile agricultural land and render the immediately surrounding similar quality land unworkable due to the size and shape of the undeveloped areas.
- The development would not be served by any nearby services or essential amenities.
- With regard to access to the village, flooding from the River Tone on the lower ground and run off from agricultural land filling up the sunken lanes on the higher ground in all other directions.
- Would offer recreation and playground facilities that are completely unnecessary due to the more than adequate current provision in or very close to the village. Does not justify the loss of an extensive area of Greenfield and best open countryside land with consequent harm to the character of the area, landscape and agricultural land that in accordance with national and local planning policies should be preserved. The playing field Committee has not been consulted as to whether they would wish to take on any extra land for the use of children. The statement that the existing playing field is remote with a very difficult access is completely inaccurate.
- Would massively increase the carbon footprint of the village.
- Would very detrimentally affect the rural scale and character of the village by creating a serious imbalance in the numbers of houses related to the road network, amenities and essential services available to the community.
- Suggests a need and village desire for affordable housing that is absolutely disproportionate to reality.
- Fails to take account of the existing stock of council houses in the village.
- Ignores the existence of planning application 26/08/011, which alternatively offers a similar number of new homes on the site of previous local worker's cottages within reasonably easy walking distance of Wellington.
- Nynehead Parish Council are not and have never been "in full support" of the proposal, despite what is said in the applicant's submission.
- Wrong location. The alternative application at Poole (26/08/0011) is in a better location.
- Even if Nynehead school should get a reprieve from its planned closure, such a development would still not necessarily provide the requisite primary school children. Many of the children at the school live in Wellington and many children from the village go to other schools.
- Site reached by small, narrow, winding lanes from every direction, single track in most places, at least 3 narrow restrictive bridges, the narrow sandstone 'Hollow', an unmanned railway crossing and experiences flooding both in the Vale of the River Tone and on the higher ground from field run-off. The narrow roads are

also often used as commuter rat runs.

- Site is prominent in the landscape and is at the highest point in Higher Nynehead – if accepted, may lead to street lighting at this point.
- The infrastructure of the village of Nynehead can only occasionally absorb small infill dwellings, as has historically been the case.
- There are no facilities such as village shop, post office, etc within the village, therefore necessitating road travel and thereby increasing traffic. Proposed closure of the village school will also result in more cars on the road to access other educational establishments.
- Already enough building going on around the Wellington area.
- The applicant is a farmer and so-called custodian of the countryside. He should be ashamed of himself for attempting to blight the countryside by building all over it.
- The likelihood of a viable village shop is negligible.
- County Highways have said that a request for a 30 mph limit on the road is low priority.
- Applicant should keep the visibility splay clear where his land abuts the junction of the Milverton road.
- Full information is not being provided in the assessment of housing need.
- If need is only for 10, the application should be for 10 and, if and when the need is demonstrated, another application submitted.
- As it is very questionable that retired persons, or those requiring one bed accommodation, would wish to live in Nynehead, it would appear that there is more accommodation for couples and families proposed in application /0011.
- Question whether an additional 20 dwellings would warrant any increase in the bus service.
- The site is a winter feeding area for deer, close by are badger sets and owls are seen on a regular basis.
- Will be very stark without any attempt to help to blend it into the surrounding area tree and hedge planting.
- Question why 20 parking spaces have been provided for visitors to the recreation area.
- The road in the immediate area regularly floods.
- Inadequacy of parking.
- The proposal will result in the expansion of Higher Nynehead by 40%, which will have serious repercussions on the local infrastructure.
- A small housing estate such as that proposed would be out of character with the village as it stands.
- The site floods during heavy rain.
- Higher Nynehead is a completely unsuitable location for this very significant development.
- Would give a ribbon development effect.
- Much of the reasoning and assumption supporting the application is either incorrect or flawed.
- There have been numerous minor collisions on the roads leading to the site.
- The maintenance and repair of the lanes and their drains has declined markedly in recent years.
- The proposed development would be particularly detrimental to those living closest.
- The development would significantly increase the building density of the village and would create various safety and environmental issues.
- Would require the construction of very large visibility splays thus causing huge

destruction of hedgerows and trees that are currently teeming with wildlife.

- The central part of Nynehead currently has an appropriate combination of housing types and styles, which provides a stable social mix in the village. A development of affordable housing in the centre of the village would adversely change this, be out of keeping and contrary to planning guidelines.
- The proposal falls outside the planned development plans for the village, which should be restricted to infill.
- Concerns about the sewage system.
- The village of Nynehead has won a number of awards by being a special village, not a housing estate.
- In the last village survey, a couple of years ago, the residents said that extra housing within the village was not needed.
- What need is there for extra housing during an economic crisis, who can afford them.
- Previously the planning officer has objected to developments on brownfield sites in the village, how can he recommend such a development on a Greenfield site.
- The large concreted area for car parking could exacerbate the already difficult excess water situation in the area.
- Developments on this scale should be in a town.
- The proposal would damage the rural skyline when viewed from the Milverton direction.
- Increase in traffic on the adjacent road would be dangerous for walkers, cyclists (part of National Cycle Route No 3) and car users.
- The entrance/exit of the proposed development will be situated almost opposite the existing entrance/exit of the village hall and both are sited very near a blind bend in the road, which could potentially result in accidents occurring.
- Position of the proposed development suggests that further development will be sought in the future.
- Very few job prospects in the village.
- Do not believe that the inferred provision of additional services would ever take place.
- The development would overshadow and impinge upon existing properties.
- Construction traffic would damage roads, verges and banks.
- Housing need in adjoining parishes should be catered for in those parishes.
- Flaws in the Wildlife Survey.
- Nynehead already has reasonable council housing provision proportionate to its population.
- Relative to its small rural population, Nynehead has already seen over recent years a substantial number of new houses through infill development and the conversion of farm buildings into dwellings.
- If Nynehead School closes, the building will be converted into a dwelling, or dwellings, or the site might also be considered for a limited number of affordable houses, if their design is sensitively handled and in keeping with the status of the Conservation Area.
- The proposal is an entirely unwarranted intrusion into the countryside.
- The site is not in a sustainable location. To access local facilities the occupiers of the proposed housing would be entirely dependent on the use of private cars as there is no public transport.
- Understood that no Housing Needs Survey has been conducted by means of a Local Needs Assessment in accordance with current practice to inform and robustly test that the proposal can credibly meet the criteria set out in the definition of 'Local Need for Affordable Housing' in Policy H11(A). Understood

that the need for the development has been assessed solely on the basis of the Council's Housing waiting List, and that that perceived need is derived not just from the village of Nynehead, but also from adjoining parishes that are not directly related to Nynehead. In addition, no proper assessment has been made in relation to the type and make-up of the housing required in connection with any development in this location. The proposal includes 25% market housing, the supporting statement simply stating that these will be local low cost houses. However, no further detail is given as to how these houses will be made available or restricted for future use. Nor is there any supporting justification as to why this mix of tenure is essential or is needed.

- Policy H11 provides that the Rural Needs Policy Exemption will only apply to small affordable housing schemes. The proposed development cannot be justified as a small scale scheme. The applicant's supporting statement acknowledges that the proposal constitutes a 'significant development'.
- The proposal will harm the special character and landscape setting of Nynehead which cannot be justified by any proven housing need. The applicant has not submitted any detailed design proposals to demonstrate how it will be possible to sensitively integrate the proposal to protect the special local landscape character.
- The layout and design of the proposed scheme is not well related to Nynehead. It is on a large scale with an incoherent approach to the overall design, including an unexplained need for the car parking to be separated from the housing. It also introduces a large playground area and recreation field that encroach further into the landscape of the area without reasonable justification.
- The reasons for the school closure have almost nothing to do with the numbers of children resident in Nynehead attending the village school, now or in the future.
- Nothing in the application proposals or supporting submission suggests that the local highways can be or will be improved, nor will any contribution be made to improving the road in any way or mitigate the adverse impact of increased vehicle movements generated by occupiers of the proposed site.
- There are at least 10 children currently living in the village who will be learning to drive in the next few years, thereby increasing the number of vehicles on our roads.
- Question the logic of the ability of a nearby irrigation lake being able to take surface water drainage.
- There is no gas supply in the village, so heating will be restricted to oil and electricity.
- Question why in recent years most, if not all, that have become available been allocated to people from outside the village.
- Affordable housing should be integrated within the community and not concentrated in one area.
- Due to the current economic climate and the limited access to credit facilities, will the proposer of the initiative and his nominated builder be in a position to fund the project with limited credit. Do not want a half finished building site.
- The proposal is in no way green or ecofriendly.
- Such development would be better sited in Oake, where the school is being made bigger.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,



PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP33 - S&ENP - Provision for Housing,  
S&ENPP35 - S&ENP - Affordable Housing,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H11 - TDBCLP - Rural Local Needs Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located in open countryside, outside the designated settlement limits of Nynehead, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure (STR6, 5) and Local Plan Policies (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. .

Policy H11 is paramount in the assessment of the application and requires an exceptions site to accord with the following criteria:

'As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
  - 1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation.
  - 2) Newly formed households living or including someone employed in the parish or adjoining parishes;
  - 3) Households including dependants of the households living in the parish or adjoining parishes; or
  - 4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;

- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with policy H2.

Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside. The policy criteria of H11 also refers to proposals as being 'small', whilst this is of course relative to each settlement, it is considered 20 dwellings is excessive and disproportionate to the size of the village. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that it could not be considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11.
- 2 The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to PPS7, STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and S7 of the Taunton Deane Local Plan.
- 3 The village has an existing playing field and equipped area for children nearby and it has not been demonstrated that there is need for additional recreation facilities as part of this proposal, rather than off site contributions towards improving existing facilities in the village (Taunton Deane Local Plan Policy C4).
- 4 The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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