

RAGLAN HOUSING ASSOCIATION LTD

ERECTION OF 26 AFFORDABLE HOUSES AND ASSOCIATED PARKING WITH NEW ACCESS FROM STOKE ROAD ON LAND SOUTH WEST OF JUNCTION OF A358 AND STOKE ROAD, HENLADE, TAUNTON AS AMENDED

Grid Reference:

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicants entering into an appropriate legal agreement to secure:

- 100% Local Needs Affordable Housing that will remain in perpetuity.
- The construction and subsequent maintenance of an on-site LEAP of a minimum size of 400 sq m.
- A contribution of £1,023.00 for each dwelling towards the provision of facilities for active outdoor recreation (total contribution of £26,598).
- A contribution towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.
- Highway mitigation works consisting of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelters. These works will be provided together with additional high friction surfacing on the approaches to the crossing. All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application.
- In addition to the above highway works a contribution of £11,000 is required and agreed with the developer in respect of the high friction surfacing.

The proposal addresses a specific need for affordable housing in the locality in a location that is accessible to the Taunton Urban Area by public transport. Some small scale local facilities are within walking distance and bus stops are immediately adjacent to the site. The proposal is considered to accord with the provisions of H11 of the adopted Local Plan which allows for 100% local needs affordable housing that will be retained in perpetuity.

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. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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.

Reason: In the interests of highway safety in accordance with the provisions of Core Strategy Policy DM1

3. Visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south shall be provided at the access to Stoke Road prior to the commencement of development on the site and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level at any time.

Reason: In the interests of highway safety in accordance with the provisions of Core Strategy Policy DM1

4. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed unless otherwise agreed in writing. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

5. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 6. The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 and an up to date badger survey and include:
 - 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 - 3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and badgers

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and badgers 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 badgers and nesting birds and their habitats from damage bearing in mind these species are protected by law.

- 7. No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of proposed on site storage, where run-off rates have been limited to those from a 1 in 1 year storm on the greenfield site, the details shall clarify the intended future ownership and maintenance provision for drainage works serving the site. Details of exceedance flow paths and depths should be mapped and shown to be safe.

Reason: To ensure that the site is adequately drained without having a

detrimental adverse effect off-site in accordance with the provisions of the NPPF

Notes for compliance

1. 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.

Badgers are protected under the Protection of Badgers Act 1992. The applicant should comply with legal consents relating to badgers, including applying to Natural England for a licence.

PROPOSAL

The application, when originally submitted sought outline planning permission for 48 affordable dwellings on a site of 0.96 hectares. After objections were received from the County Highways Authority, the consideration of the application was deferred and it was subsequently amended to 26 affordable dwellings on a reduced site area of 0.61 hectares. Further negotiations between the agents and County Highway Authority took place and subsequent details of proposed works to the A358 (adjacent to the site) were submitted. These included:

- New bus shelter with high access kerbs on south side of A358
- New high access kerbs to bus stop on north side of A358 (adjacent to Falcon Hotel).
- Existing pedestrian refuge to east of Stoke Road junction widened to 2.0m and pedestrian road markings refreshed.
- Existing pedestrian refuge to west of Stoke Road junction widened to 2.5m with tactile paving and illuminated bollards (and pedestrian road markings refreshed).
- Replacement of high friction surfacing on approach to above uncontrolled pedestrian crossings
- Existing verge and vegetation on south side of footway cut back to provide additional footway width with new kerb line to retain verge.
- New tactile paving for uncontrolled crossing point at Stoke Road

The proposal is outside of the defined development limits for Henlade and has been put forward as a rural exception scheme (the applicants are Raglan Housing Association). Access would be gained from Stoke Road, approximately 60 metres south of the Stoke Road/A358 junction. An indicative layout has been submitted which includes an area for play within the site. The suggested housing mix is:

- | | | |
|----|---|------------------|
| 2 | x | one-bed flats |
| 12 | x | two-bed houses |
| 11 | x | three-bed houses |
| 1 | x | four-bed houses |

As an exception site, the expectation would be that 100% of the dwellings would be affordable, local needs, housing.

SITE DESCRIPTION AND HISTORY

The site is on the corner of the A358 and Stoke Road in the centre of Henlade. It is outside, but adjoining the defined development limits and comprises part of a larger field with substantial hedges on the north and east, but no natural boundary to the south. To the west of the site are some existing barns which are to be demolished.

There is no separate planning history for the site which is relevant to this application

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

RUISHTON & THORNFALCON PARISH COUNCIL – Comments on latest set of amended plans for works to A358

In the main Parish Council only dealt with the highway amendment to the planning application as it is understood that all the comments that we made in 2008 - 2010 would remain and be taken into account.

However one item not concerning highways, which It was decided to highlight, was the fact that the sewerage pumping station at Lower Henlade is to capacity and that for that reason The Mount Somerset had to install their own filtering plant.

There is still grave concern over the traffic issues for the following reasons:

- The increase in width by 6” of one of the pedestrian refuge crossings doesn’t really address any safety issues and is not adequate.
- The fact that the controlled pedestrian crossing has been dropped from the plans when the traffic on the A358 has increased since the original scheme was proposed
- The new position for the bus shelter is too close to the end of Stoke Road and incidentally the current bus shelter belongs to the parish council who have not been consulted on its removal
- Difficulty in traffic merging onto the A358 especially for drivers wishing to turn left (west) who would be looking at traffic bearing down on them from the easterly direction
- The parish council are currently in discussion with the police with regard to speeding on the A358
- In February there were over 800 Fixed Penalty Notices issued for speeding through Henlade
- With congestion on the A358 there is a fear that cars from the development will use the rat run through Lower Henlade into Taunton, (recognised by the applicant ref letter dated 19e May 2009 --Byways and Highways), which is also a concern with which the Parish Council are in talks with Somerset Highways.
- The Parish Council feel that their issues with regard to parking in Stoke Road due to the limited parking spaces on the site have not been fully addressed
- Fail to see how the development on the A38 at Bishops Hull can compare with the proposed development in Henlade,

- The development is in a AQM area

No evidence has been presented for the scale of the proposed development, the Parish Council would like to know if there is still a need, by local residents for affordable housing, taking into account that there is no employment opportunities in Henlade as the Tarmac site dosed in 2010 with the loss of 150 jobs.

We would also mention that the local school is full to capacity.

Updated comments on reduction to 26 dwellings:

Still have concerns as per original Letter (below) which includes:

- Pedestrian safety at A358/Stoke Road Junction
- More traffic turns at this junction and at Henlade Haydon Lane
- Access road too near A358
- Lack of amenities
- Ruishton school already over subscribed
- Sewerage/surface water
- Density of site still too high
- Inadequate number of parking spaces
- Additional traffic/disruption in the area during development
- Greenfield site.

Original Comments on application for 48 dwellings:

The Parish Council and parishioners present at our meeting last week, while acknowledging that there is a need for some affordable housing, were unanimously against the above planning application feeling that the site was unsuitable for the following reasons,

- In the Local Plan it was stated that there would be no large-scale development to the east of the motorway. • The meeting does not feel that there is a need within the parish for this scale of affordable housing. The Parish Council in conjunction with the Community Council for Somerset carried out a survey on the need of affordable housing in the parish and the result was only 16 required. Also it is understood that there are only two from the parish on the current housing waiting list. The question arises as to whether these could even afford to buy, even at a reduced price.
- The additional traffic would make it even more difficult for vehicles wishing to access or exit the A358 at this junction.
- It is a known fact that the A358 is already over capacity, with traffic being held up at all times of the day.
- Lower Henlade would become even more of a rat run' for those wishing to get to the south of Taunton.
- Air Pollution — The A358 through Henlade is already an Air Quality Management Area and it is felt the additional traffic from this development would only increase this problem.
- The Drainage Statement recommends surface water should be via a sewer down Stoke Road to the watercourse at Lower Henlade. This watercourse and the pumping station near Arundels Cottages are already at full capacity and would not be able to cope with such a large area of extra surface water

and the additional drainage, especially when there is heavy rainfall. Lower Henlade is prone to flooding and on several occasions properties have been known to flood.

- The water supply is already poor in the area.
- Primary school children would have to cross the busy A358 to get to the local school. Residents would also have to cross this road to get to the Post Office/local shop.
- There is no play area in the plans.
- Concern is expressed at the lack of parking facilities, which could mean vehicles parking in Stoke Road, thereby causing an obstruction. Three additional parking spaces are considered to be inadequate.
- There are birds nesting in the boundary hedges and an abundance of wildlife is seen on the site, including deer, barn owls, badgers and rabbits to name but a few.

Residents from Stoke Road and the adjacent caravan site are also concerned about noise and illumination from the development and I am sure you will be hearing from them in due course.

SCC - TRANSPORT DEVELOPMENT GROUP – no objection

The Planning Officer will be well aware of the application 31/2007/0033 for 48 houses on the same site which resulted in a letter from myself to the planning department on 27 March 2008. In this letter I commented on the trip generation, the development and the location of the proposal and concluded that the development would generate significant additional vehicular and pedestrian traffic at a junction with high traffic flows and considered that these movements would increase highway safety concerns and in consequence recommended refusal of the application.

Since that time discussions and negotiations have taken place which have resulted in the current submission for 26 houses, together with proposals for roadworks to mitigate the Highway Authorities concerns.

After much deliberation therefore I conclude that the present proposals are satisfactory and in consequence I would not wish to raise a highway objection to the current proposal.

The application is in outline, however Plan 97.0820A shows an illustrative layout with junction and visibility splays which are generally acceptable. Full details will need to be submitted and appropriate conditions attached to any consent. An appropriate condition for the internal layout would be the following:

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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 above mentioned drawing shows an access onto Stoke Road with visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south. This visibility splay is acceptable and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level. Such access and visibility splay should be in place prior to the commencement of development on the site.

The proposed highway mitigation works consist of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelters. These works will be provided together with additional high friction surfacing on the approaches to the crossing. All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application.

These works will need to be completed prior to the occupation of any dwelling that may be permitted on the site and will require an appropriate Legal Agreement to enable the works to be suitably detailed, designed, constructed and funded. In addition to the works a contribution of 11,000.00 is required and agreed with the developer in respect of the high friction surfacing.

DRAINAGE ENGINEER – Recommends planning condition requiring a SUDs drainage Scheme

HOUSING ENABLING LEAD – Supports:

The Housing Enabling Lead supports this application based on need and the comments do not reflect the suitability in terms of planning. The requirement is for predominately 2 bed and 3 bed houses with some 4 bed houses built to HCA design and quality standards 2007 or the equivalent standard at the time of commencement of development. The tenure split is to include social rent, affordable rent and intermediate housing. The final housing types and tenure split is to be agreed with Housing Enabling prior to commencement of the development.

LEISURE DEVELOPMENT MANAGER – comments:

In accordance with Policy C4 provision for play and active recreation must be made.

Policy C4 requires 20 square metres of equipped and casual play space per family dwelling giving a total for this proposal of 520 square metres. The proposed recreation area is too close to the dwellings and the main A358. It should be relocated to a more central position within the development, away from roads and at least 5 metres from the nearest dwelling boundary, while still being overlooked.

A contribution of £1,023.00 for each dwelling should also be made towards the provision of facilities for active outdoor recreation.

The development will also be required to contribute towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of one

percent of development costs.

HERITAGE AND LANDSCAPE OFFICER – comments:

The proposals are largely in open countryside and therefore contrary to EN12

My other concerns are loss of hedgerow to meet visibility splays and lack of any specific landscape mitigation.

NATURE CONSERVATION & RESERVES OFFICERS –

The proposal is for the building of 26 affordable homes at Stoke Road Henlade. Country Contracts carried out an ecological assessment of the site in October 2010. A previous survey of the site had been carried out in January 2008. Findings were as follows

Birds - The surveyor noted that there was potential for nesting birds in the vegetation on site and so suggested that any removal of vegetation area should take place outside of the bird nesting season,

Badgers - The surveyor found an active badger sett to the west of the development within an old derelict barn. In addition badger paths and latrines were noted. This sett must be retained and protected or replaced under a Natural England licence. A licence will restrict timing of works on site (i.e. work can only take place between July — November)

I suggest that an additional badger survey is carried out this Spring to confirm the status of the sett and to inform a licence application.

Other Protected species - Potential for dormice on site were discounted by the surveyor due to the structure, lack of species and non connectivity of hedges with suitable habitats. The derelict building was not considered suitable for a bat roost but the surveyor noted that bats are likely to use the hedgerows for commuting and foraging

In accordance with PPS9, I would like to see nesting birds and badgers protected and accommodated in this development. Suggest conditions

SCC - CHIEF EDUCATION OFFICER – Original commented that as 48 dwellings was sufficiently close to the 50 dwelling threshold for education contributions to apply, then the application should make provision for 7 additional secondary school places and no primary school places.

No further comments have been submitted since the application was amended to 26 dwellings

Representations

26 Letters of objection (after full consultation on amended proposal) raising the following planning issues:

Highway Safety

- Increased traffic in a congested area
- The Stoke Road/A358 junction is very difficult/dangerous to exit.
- Additional on street parking in Stoke Road/loss of existing on street parking
- No easy way for Children to cross A358
- Cars will back up along Stoke Road stopping existing properties from using their access.
- Back lanes to Taunton would become busier
- Loss of Parking for 1 Laburnham Terrace

Sustainability

- There are no buses through Henlade on Sundays and Public Holidays or from the town in the evenings.
- It is an unsustainable location.

Other issues

- Drainage of water into Greenway Road
- Additional pollution from increased vehicle movements
- More people expected to live in a polluted area
- Affordable homes out of character with the village which has no facilities
- There is no need for affordable housing
- The development is too large for the area
- Loss of wildlife
- Additional noise from site by building and residents of a younger age.
- Should not build on agricultural land do to loss of food production area
- It will set a precedent for further development.
- Development should be on other sites such as Tarmac, Ruishton Court, other fields closed to Ruishton or Firepool.
- Loss of light from proposed landscaping/trees

When the original application for 48 houses was submitted in 2008 there were 54 letters of objection and 3 letters of support

When the application was amended to reduce the size of the site and number of houses to 26, there were 35 letters of objection and 2 letters of support.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 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,
 CP4 - TD CORE STRATEGY - HOUSING,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£35,336
Somerset County Council (Upper Tier Authority)	£8,834

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£212,015
Somerset County Council (Upper Tier Authority)	£53,004

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Development

Policy DM2 of the Core Strategy seeks to control development outside of settlements to protect and enhance the quality of the local landscapes whilst promoting sustainable patterns of development and allowing economic growth and diversification. A range of acceptable uses are specified together with associated criteria which must be met.

The policy states that outside of defined settlement limits the following uses will be supported.....

6. Affordable Housing
 - a. adjoining settlement limits, providing no suitable site is available within the rural centre:
 - b. in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.

Subject to the above criteria all must:

- be compliant with the Habitats Regulations 2010 and any subsequent amendment;
- be near a public road and existing services;
- be of a scale, design and layout compatible with the rural character of the area;
- any conversion or reuse must not harm the architectural or historic qualities of the building;
- not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services; and
- not involve the creation of a residential curtilage which would harm the rural character of the area.

The site adjoins the settlement limit for Henlade and the nearest rural centre is Creech St Michael. The Taunton Urban Area is close and has better public transport links, but clearly would not be classed as a rural centre. Neither Ruishton or

Henlade have been defined as rural centres but have retained settlement limits in the Core Strategy. Therefore a decision needs to be made as to whether the parish of Ruishton (which includes Henlade) is an appropriate location for rural needs housing. Information taken from Choice Based Lettings certainly shows that there is a demand for affordable housing in that parish. The Core Strategy seeks to target development within the rural centres first, but given the accessibility of this particular site to the Taunton Urban Area, and the housing need being related to this parish, it is considered that it is an appropriate site in principle.

Policy H11 of the adopted Local Plan remains and will be retained until a future SDP supplements Policies DM2 and CP4 of the Core Strategy. This permits small affordable housing schemes which meet the local community's need where housing would not normally be permitted, either within or adjoining the identified limits and rural centres. Henlade was defined as a village in the local plan.

Accessibility

Immediately next to the site is a bus stop where it is proposed to replace the shelter and construct high access kerbs. The bus service is regular and the amendments to the central refuges have led to the Highways Authority withdrawing their objection that people would not use the bus if it forced them to cross the busy road when using the return service. These bus stops are not used in conjunction with the Park and Ride service which is approximately 1km to the west.

Ruishton is less than 1km which is a journey that can be made by car or bike. On foot would require walking along roads where there are no segregated pavements (other than along the sections of the A358 and part of Lipe Lane) and it is considered, that although this is possible, it may not be likely.

It is considered that the requirement for children's play should be met through onsite provision of a 400 sq m LEAP (Local Equipped Area for Play) rather than a contribution that would be spent off-site. This would reduce then need to access Ruishton for the nearest play area.

Highways Issues

The County Highways Authority originally objected to the scheme for 48 houses but has since withdrawn that objection due to the decrease in the number of houses and the proposed works to the A358. Their comments are contained in full above and this gives their reasoning which they consider that this proposal is satisfactory. In coming to this conclusion, they have considered the expected vehicle movements and the impact on the A358/Stoke Road Junction. They do not raise an objection to this element and particular impact on the road network and there is not sufficient evidence to suggest that this view is incorrect.

Other Issues

Parking for 1 Laburnham Terrace has been raised as an issue by one of the objectors and the Agent has responded by stating that the landowner has always intended for part of the existing access to be made available for a car parking space for No. 1 Laburnham Terrace if the application is approved. This is shown on the illustrative layout plan.

The application is made in outline, but any detailed design would need to include Sustainable Urban Drainage (SUDs). Any developer would also need to agree suitable points of connection with service providers to take foul waste. It is considered that the development is capable of providing these and it is proposed to include a specific planning condition for the surface water drainage, storage and disposal.

The Councils Biodiversity Officer has considered the submitted survey information and concludes that additional survey work should be carried out to inform an application for a Natural England License. This is proposed to be secured through a planning condition

The receipt of the New Homes Bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

Conclusion

Although the proposal is not within or adjoining a rural centre as defined in the Core Strategy, it adjoins the settlement limit for Henlade and provides for a specific housing need in the parish. The proposals are considered to accord with policy H11 of the adopted local plan which is to be retained. The concerns regarding the local highway network have been considered by the county Highway Authority, who do not raise any objection. A number of measures to mitigate against the impacts of this proposal are required and it is considered that overall, the scheme can be recommended for approval

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

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