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SUMMERFIELD DEVELOPMENTS (SW) LTD

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 22 AFFORDABLE HOMES AND ASSOCIATED PARKING TOGETHER WITH REPLACEMENT STORAGE BUILDING AND RELOCATION OF STABLES AT LAND TO SOUTH AND EAST OF BARTON HOUSE, OAKE.

315334/126046

OUTLINE APPLICATION

PROPOSAL

Outline permission is sought for the provision of 22 affordable homes and associated parking, relocation and replacement of storage buildings and the resiting of stables. The site, which measures 0.56 hectares, is currently open paddock area located to the south and east of Barton House. The site is located to the north of the settlement of Oake, which lies to the south of the B3227, and the village of Hillcommon, which lies to the north west. The site is adjacent to the playing fields and Oake village hall, which are located outside of the defined settlement limits. To the east and west there is open countryside. The settlement of Oake has a range of limited facilities with a primary school and post office/general store. The village is well served by a frequent bus service into Taunton.

As the application is in Outline, the agent has submitted indicative plans as to how the development would be envisaged. The dwellings have been designed as simple terraced cottages with a mixture of 16 two-bedroom properties and 6 three-bedroom properties. The proposed materials would be a mix of facing brick and rendered block work with a mix of double roman tiled and slate roofs. The provision of a landscape scheme would be required.

A number of supporting documents, including a Design and Access Statement have also been submitted. A summary of the main points is provided below:

- The development is in close proximity, relates well and is within easy walking distance to the existing village centre and its facilities.
- The Housing Officer has confirmed there is a local need and the site can contribute towards an acute shortage of affordable housing in the wider area – particularly for first time buyers.
- In 2004, the five Somerset Districts commissioned Ark Consultants to prepare a report to advise all the councils of their housing needs. The report published in 2005 concluded that the need for social and affordable housing for TDBC was in excess of 564 units per year. The provision of affordable units has averaged just over 70 per annum for the last 5 years. The need is now acute.
- Major problem is the provision of available and deliverable land. The only land that can be brought forward is an exception site where the actual land cost is reduced to enable the provision of affordable housing.
- The affordable housing scheme will be subject to a S106 agreement to secure the availability of the dwellings in perpetuity for those in housing need.

- The proposal is to provide 100% affordable houses on site to be sold freehold at an agreed discount to open market value. In order to maintain their affordability the properties will be sold with the agreement that the same percentage discount will apply to all future re-sales.

A public consultation and exhibition was held at Oake Village Hall on 22 November 2007. Those comments have been submitted with the application.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN - As the application site is beyond a settlement limit, and not allocated for development in the Taunton Deane Local Plan (TDLP), the proposal is contrary to the general strict control of development in the countryside. However, one of the exceptions to that strict control is in relation to proposals for affordable housing in rural areas. Policy H11 of the TDLP is the applicable policy.

The policy allows for the development of small schemes of affordable housing where a need exists in the local community and the site is within or adjoining the identified limits of a village or rural centre.

In this case I consider that in terms of general principles the proposal is unacceptable, for the following reasons:

- the single tenure proposed, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation;
- the proposal is not based on an assessment of local affordable housing needs, which it is then related to in terms of scale, tenures, types and sizes;
- the site is not adjoining or within the settlement limit; and
- in relation to the size of the village, I do not consider 22 dwellings to be small.

HIGHWAY AUTHORITY – Observations to make.

PARISH COUNCIL – Objects to density of development.

HOUSING OFFICER – The Housing Enabling Manager supports the planning application for all Affordable Housing in the form of Low Cost Open Market Housing for people on a defined low income. The Housing waiting list demonstrates a significant need for the surrounding area which includes adjoining parishes. If it was possible to work with an RSL to include some rented housing this would be a bonus.

LANDSCAPE OFFICER – Expresses the following concerns:

- the proposals are in open countryside
- they are not well screened by hedgerows or landform
- the development is not well related to the existing development
- there is no landscape assessment of impacts
- the proposals will require the replanting of existing hedgerow to meet visibility splays.

ENVIRONMENTAL HEALTH OFFICER – No comments

ENVIRONMENT AGENCY – No comments

DRAINAGE OFFICER – I note that surface water is recommended to discharge to adjacent watercourse via an attenuation system. All flows should be attenuated to Greenfield run off rates generated by a storm of 1 in 1 year return period and this should be made a condition.

WESSEX WATER – The development is located within a foul sewered area and mains water supply. Connection can be agreed at the design stage. The developer has proposed to dispose of surface water to existing ditch. It is advised that your Council should be satisfied with any arrangement for the disposal of surface water. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there maybe any unchartered sewers or water mains within (or very near to) the site.

NATURE CONSERVATION OFFICER – County Contract's survey of December 2007 concludes that there are hedgerows on site and a mature tree, which provide nesting opportunities for birds. No indication of bats was found, although the retention of hedgerows will maintain any foraging areas and commuting routes used by bats. There were no signs of badger activity on site although it is known that there are badgers in the vicinity. There is potential for a planting scheme of native species on site in order to enhance the existing habitat – liaise with landscape officer. A number of conditions are suggested should the application be recommended for approval.

REPRESENTATIONS

24 LETTERS OF OBJECTION – Outside settlement limits; proposal cannot be treated as an exception site as it does not comply with Policy H11; site is neither small or adjoins the settlement limits; already affordable housing in Oake at Saxon Close; Affordable housing should be part of a planned development such as Monkton Heathfield, Norton Fitzwarren, Cotford St Luke etc rather than in isolation; proposal represents overdevelopment; whilst Oake would benefit from some owner occupied affordable homes, 22 homes is excessive; only 5 people are known to be interested; development would join Hillcommon and Oake; siting of development would create a distinct and potentially isolated community; development would harm the character, landscape and setting of Oake; design will give the appearance of old fashioned barracks and not in keeping with other properties in the village; sited under power cables; insufficient parking – parking would spill over to neighbouring roads or even village hall car park; what steps will be taken to deliver safe access to the development?; highway safety – hazardous access to the site for vehicular and pedestrian users; village hall were refused permission for a entrance from this very location; speed limit not adhered to – need further traffic calming; lack of footpaths in the vicinity; development will add to the existing traffic queues/congestion onto the B3227 which is used as a rat run and extremely dangerous junction; development of this type needs supporting infrastructure such as play areas, green space and circulation space for residents; Council should make representations about retaining

the Post Office and school as future residents would use these local amenities; existing infrastructure stretched; no employment in Oake; proposed footpath linking the houses with the village hall playing fields is undesirable given the hall is often let privately; noise issue because of the proximity to the village hall (weddings etc); village hall could lose revenue; the play area for £15,000 should be located within the housing estate (by reducing the number of houses) and not expected to be built on the village hall fields; play contribution is too little to be effective; scheme/village would benefit from play area for older children; concern of flooding from further development – particularly flooding of Saxon Close (Photograph submitted showing the area flooded at the entrance to Saxon Close); Oake has a problem with sewers backing up from time to time and this has not been addressed; previous application in 2000 for residential development refused – what has changed?; proposal would be harmful to the rural qualities of the local environment increasing air pollution; noise pollution and damaging existing wildlife habitat; not notified of applicant's exhibition at the village hall; has there been a survey of Oak Parish through the Rural Housing Enabling Project? If so, do the outcomes indicate a significant need for affordable housing? What is the required percentage of affordable housing expected within Oake Village and what is the existing percentage of affordable housing provided; Section 106 Agreement - Do the categories set out in the section 106 Agreement fit the needs for local affordable rural housing in accordance with the criteria set out in H11? In the Agreement: the criteria for 'qualifying person or persons' at (2) (d) (i) and (ii) does not include any reference to needs arising from current accommodation as set out in H11 (A) (1); the criteria in (2) (d) (iii) 'close family connection' or 'such other relationship as may be agreed by the Council' does not appear in H11; H11 makes no mention of 'secondary qualifying persons' as set out in (2) (e); 'Parishes' is not defined so it is not possible to say if the categories are limited to the parishes or adjoining parishes as set out in H11; Even if the 106 Agreement meets H11 criteria, as worded, will it work to meet local affordable housing needs in the long term? In the Agreement: does the present definition of Owner work so as to identify and include subsequent owners, so as make sure that the covenants apply to them just as much as they apply to the current Owner?; the Owners only have to provide details to the Council in connection with 'qualifying persons' as (3) (g) does not apply the same obligation in connection with 'secondary qualifying persons' – is that right?; the Owner is not required to offer a sale to a RSL - is that right?; if 'contract to sell' in 3 (c) and (d) refers to exchange of contract is 4 months a realistic timetable in which to expect Owners to have found a buyer (with a mortgage) that meets the criteria?; potentially the provisions in 8 (a) and (b) make obligations in connection with future sales pointless – are they usual in these circumstances?; realistically, will the Council be resourced to monitor compliance with covenants by subsequent owners?.

A PETITION OF 132 NAMES - without details of address, has been submitted which expresses an objection to the development.

A LETTER OF RESPONSE FROM THE AGENT - has been submitted, dated 7th February 2008, in response to the representations received. Summary of comments: - many of the objections relate to issues covered within the Design and Access Statement; whilst the playing fields and village hall are outside the settlement boundary these facilities are clearly part of the village fabric and it is somewhat pedantic to suggest the site is completely separated from the village; need for

affordable housing and the lack of delivery are proven facts and the size of the proposed site is relatively small compared to the overall need; density is within central government guidelines (42.8 dwellings per ha); parking has been accommodated for; issues of drainage are covered within the drainage statement - on site attenuation will ensure there are no flooding issues; existing flooding problems in Saxon Close need to be addressed; not aware of alternative sites; pupil numbers are down at the local school and therefore would appear additional pupils could be accommodated; the footpath link to the playing fields is purely illustrative and would be withdrawn if opposed by the village hall; it is possible to withdraw the offer of a contribution towards an equipped play area and make the same financial contribution towards the provision of additional educational facilities for the local school, in line with the 2006 Ofsted report.

4 LETTERS OF SUPPORT – Under the provisions clearly set out in H11 (A) of the Local Plan development must demonstrate that they meet local community needs, but what is local need? The common misconception is that local need only relates to need within one particular parish or village. This is not the case. H11 (A) sub paragraph 1 defines need as being ‘households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation’. Sub paragraph (2) defines need as newly formed households living or including someone employed in the parish or adjoining parishes. In this case local need includes; Bishops Lydeard, Bradford on Tone, Halse, Milverton, Norton Fitzwarren, Nynhead and Oake. Quite clearly the need is greater than 22. Oake provides local service shop/post office and community centre together with a regular and reliable bus service, these together allow independent village living; unable to purchase property at normal market prices and thus forced to rent with no realistic alternative; welcome opportunity to purchase own home in local area; if scheme goes ahead will give positive contribution to community as the occupiers of these houses will always be the owners (chosen through the council) which will prevent short term rentals; houses only allocated to those unable to take out a mortgage; many people interested in this type of scheme have young families which can only be of benefit to Oake and Bradford School and Pre School as this will ensure adequate pupil numbers are maintained; will help support local businesses; consider all houses should have 2 parking spaces; parking is acceptable - if residents do use the village hall fail to see why this is a problem; no evidence to suggest proposal would have adverse impact upon village hall - if anything the development may have a positive impact upon the hall through increased attendance; in relation to objections to the inclusion of a gate leading from the development to the recreation ground the village hall has an obligation ‘to improve the conditions of life for all the inhabitants of the area of benefit without distinction of political, religious or other opinions’; building of a new play area is desperately needed; whilst problem of drainage needs attention, some of the subsequent flooding was in part due to blocked drains.

POLICY CONTEXT

Regional Spatial Strategy for the Southwest, (RPG10), VIS1 (Expressing the Vision), VIS2 (Principles for Future Development), SS2 (Regional Development Strategy), PPS 3 (The Sub-Regional Strategy), SS19 (Rural Areas), SS20 (Rural Land Uses (including Urban Fringe), EN1 (Landscape and Biodiversity), EN4 (Quality in the Built

Environment), HO4: Housing in Rural Areas and the Isles of Scilly, HO5 (Previously Developed Land and Buildings), HO6 (Mix of Housing Types and Densities), TRAN1 (Reducing the need to Travel), TRAN7 (The Rural Areas)

Somerset & Exmoor Joint Structure Plan Review 1991-2011 STR1 (Sustainable Development), STR6 (Development Outside Towns, Rural Centres and Villages), Policy 1 (Nature Conservation), Policy 33 (Provision of Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking), Policy 49 (Transport Requirements of New Development)

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing), M4 (Residential Parking Requirements), and EN12 (Landscape Character Areas).

ASSESSMENT

The site is located in open countryside, outside of the designated settlement limits of Oake, 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. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

Policy H11 is paramount in the assessment of the application and requires 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.

The Housing needs in Taunton Deane have been investigated in two studies:

Taunton Deane Housing Needs Survey (2002) – David Couttie Associates;
Somerset Housing Market Assessment (2006) – Ark Consultancy.

The 2002 report identified a need for 131 additional affordable dwellings a year, and was the basis for the affordable housing policies and targets contain in the Taunton Deane Local Plan. Its methodology and results were considered at the Local Plan Inquiry, so have been subjected to critical appraisal.

To update the results of the 2002 report and in response to the requirement for housing markets assessments rather than needs surveys, the Ark Consultancy was commissioned. Its report, which was prepared in advance of the publication of the government's practice guidance on strategic housing market assessments, was received in 2006. The study identified a requirement for 546 affordable dwellings a year in Taunton Deane. However, as the study's methodology differed considerably from the guidance, published later, on Strategic Housing Market Assessments, it has been determined to commission further work to produce a more robust, guidance compliant, Assessment. Therefore, although it is clear from evidence such as worsening affordability and a growing Housing Waiting List that the need for affordable housing has increased since the 2002 report, there is currently no reliable measure of its scale. As such there is a continued need to rely upon the results of the 2002 survey and ensuing polices and proposals of the TDBC Local Plan.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. No local needs assessment has been carried out to justify the type and number of dwellings proposed. In addition no land availability assessment has been carried out in and adjoining the parish settlements. Without the housing needs surveys development cannot relate in terms of scale, tenure, type or size to an unproven need. 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. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). However, the single tenure proposed, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation.

The policy criteria of H11 also refers to proposals as being 'small', whilst this is of course relative to each settlement, it is considered 22 dwellings is excessive and disproportionate to the size of the village.

National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clear states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails at the first hurdle in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. The provision of exception housing must also be accommodated satisfactorily on site without compromising the form and character of the settlement or surrounding landscape to accord with the provisions of the policy. The proposal would represent an isolated and unwarranted intrusion into the predominantly rural surroundings and serve to consolidate and consequently be seen as a linear extension of the village up to the B3227. As such the proposal would begin to erode the buffer zone of open countryside between the settlements of Oake and Hillcommon.

One of the recurring themes from local residents is concern at the access routes to the site from within and outside the village due to congestion at peak times. Furthermore local residents have expressed concern at the inadequate visibility proposed at the entrance to the site. The views of the Highway Authority are awaited.

To conclude, it is considered that development does not accord with the provisions of Policy H11 for the reasons outlined in the report and should also be regarded as unacceptable from a landscape viewpoint. It is therefore considered that efforts should be redirected towards finding another suitable site elsewhere within the village or on the edge having the least landscape impact to meet Oake's current and future local needs for affordable housing based on an up to date housing needs survey.

RECOMMENDATION

Subject to any additional comments of the County Highway Authority Permission be REFUSED for the following reasons (1) The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that the proposed single tenure, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation. The proposal is not based on an assessment of local affordable housing needs, which it is then related to in terms of scale, tenures, types and sizes. Furthermore, insufficient information has been provided to demonstrate that there is a proven local affordable housing need in this instance and the number of houses proposed is considered to be excessive and disproportionate to the village. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11. (2) The proposed development does not immediately adjoin the settlement of Oake. As such the proposal would create a form of unacceptable sporadic development in the open countryside which would be seen as a linear extension of the village towards the B3227 and begin to erode the open space between Oake and Hillcommon. The site is not well screened and the

proposed development would harm the rural character and appearance of the area. The development is therefore contrary to the provisions of Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

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

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