

46/2006/006

SUMMERFIELD DEVELOPMENTS SW LTD

**ERECTION OF 36 (30 NO. 2 BED AND 6 NO. 3 BED) AFFORDABLE HOMES, 36 PARKING SPACES AND ASSOCIATED ROAD WORKS AT LAND ADJACENT TO COB CASTLE AND CASTLE COTTAGES, HAM, CHELSTON AS AMENDED BY LETTERS DATED 14TH JULY, 2006 WITH ACCOMPANYING DRAWING NOS. 1085/1A AND 3A**

315798/121465

OUTLINE

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1.0 **RECOMMENDATION**

Subject to:-

- (i) the views of the Secretary of State under the Departure procedures;
- (ii) the receipt of a satisfactory Unilateral Undertaking under Section 106 of the Act; and
- (iii) receipt of a satisfactory Wildlife Survey

The Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 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.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (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 the planting scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition to the satisfaction of the Local Planning Authority 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.

- 03 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.
- 04 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 04 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.
- 05 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 1991); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 05 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 06 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:1991. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 8 and detailed in figures 4 and 5 of B.S.5837:1991.
- 06 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.

- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 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. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 10 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 10 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The proposed roads, 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 carriageway and footpath.
- 11 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 12 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 12 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

- 13 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.
- 13 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 14 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 15 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 16 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.
- 16 Reason: To ensure that the proposed development is not prejudice by any noise from the nearby business park in accordance with Taunton Deane Local Plan Policy S1(E).

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.

- 04 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 05 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 In line with Government policy, the applicant is advised to contact Wessex Water to see if any of the on-site or off-site drainage systems can be adopted.
- 09 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours. All other times, including Public Holidays no noisy working.

**REASON(S) FOR THE RECOMMENDATION:-** Whilst not strictly in accordance with Taunton Deane Local Plan Policy H11, which requires that exception affordable housing schemes should be either within or adjoining the identified limits of villages and rural centres, the site is immediately adjacent to existing residential areas, accessible to regular bus services and close to a well established business park. In view of this and the urgent need for affordable housing in the area, the proposal is considered to be acceptable.

## 2.0 **APPLICANT**

Summerfield Developments (SW) Ltd.

## 3.0 **PROPOSAL**

The proposal provides for the erection of 36 affordable houses together with associated parking and road works. 30 of the properties will be two bed and 6 will be three bed. Proposed materials are to be render/brick and tiles. The proposed dwellings will all be terraced. The two bed properties would be 56.24 sq m and the three bed properties 70 sq m. Access will be from the existing development.

## 4.0 **THE SITE**

The site measures 0.58 ha and is located to the south-west of the Cob Castle development at Ham. The latter development was allowed as an affordable rural exceptions site in 1992.

The earlier Castle Cottages housing area lies to the south-west of the site. The site comprises a grassed area and is generally bounded by hedges and trees, although the boundary with Castle Cottages properties also includes a mix of fencing. An area of trees lies to the north-west of the site and the lane leading to Ham runs along the site to the north-east.

## 5.0 **RELEVANT PLANNING HISTORY**

**46/1991/025** Development of land for social housing, Ham, Chelston. Application with drawn.

**46/1992/006** Development of social housing consisting of 16 No. dwellings, land north-east of Castle Cottages, Ham, Chelston, Wellington. Full planning permission granted September 1992.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Regional Planning Guidance for the South West (RPG10): September 2001**

VIS1 - Expressing the Vision

Policy SS3 - The Sub-Regional Strategy

Policy SS7 - Meeting Local Needs

Policy SS19 - Rural Areas

Policy H03 - Affordable Housing

### **Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 200)**

The following policies are relevant:-

POLICY STR1 Sustainable Development

### **Taunton Deane Local Plan (Adopted November 2004)**

The following policies are relevant:-

Policy S1 General Requirements

Policy S2 Design

Policy S5 Villages

### Policy S7

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific development plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

### Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation

routes, to create locally distinctive developments well related to their surroundings;

- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

(Note: Policy included because of cross reference from Policy H11)

#### Policy H11

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.



## Policy M4 Residential Parking Requirement

### Policy C4

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

## 7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

### **Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)**

Paragraph 13 - Key Principles

Paragraph 16 - Social Cohesion and Inclusion

Paragraph 17 & 18 - Protection and Enhancement of the Environment

Paragraph 27 - Delivering Sustainable Development – General Approach

Paragraph 33 – 39 - Design

### **Planning Policy Guidance 3 – Housing (PPG3)**

As part of the Government's objectives for Housing, the Guidance indicates at paragraph 2 that Local Planning Authorities should plan to meet the housing requirements of the whole community, including those in need of affordable housing.

## Paragraphs 14 – 17 Delivering Affordable Housing

Paragraph 18 Local planning authorities should seek to meet the needs of local people for affordable housing in rural areas by making effective use of the affordable housing policy set out above. Rural affordable housing provision may, however, be augmented by an 'exception' policy. This enables local planning authorities to grant planning permission for land within or adjoining existing villages which would not normally be released for housing, in order to provide affordable housing to meet local needs in perpetuity. Local plans and UDPs should make clear whether such a policy exists and how it will be applied. Details of the rural exception policy are contained in Annex B to this guidance.

Paragraph 57 Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided.

Paragraph 58 Local planning authorities should therefore:-

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

Paragraph 71 The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy (see paragraph 18 and Annex B).

#### Annexe B

Paragraph 2 An exception policy enables the authority to grant planning permission for small sites, within and adjoining existing villages, which may be subject to policies of restraint, such as Green Belt, and which the local plan would not otherwise release for housing, in order to provide affordable housing to meet local needs in perpetuity. Local plan policies should make clear that such sites would be released as an exception to normal policies for general housing provision in rural areas. Policies should clearly set out the circumstances where sites may be released and criteria against which proposals will be considered, including:-

- what the local authority considers to be 'affordable' housing for the purpose of the policy; and
- the area within which needs will be considered 'local', for example, in terms of groups of villages or parishes or even a single parish. In some areas it may be possible to name particular settlements where there is evidence of need and where opportunities for affordable housing on exception sites will be explored.

General market housing, or mixed developments consisting of high-value housing used to cross subsidise affordable housing on the same site, are inappropriate on exception sites.

### **Draft Planning Policy Statement 3 : Housing (PPS3)**

In this Consultative Draft the Government defines affordable housing as including social-rented and intermediate housing.

Paragraph 30 Local planning authorities should make sufficient land available either within or adjoining market towns or villages, for both affordable and market housing, in order to sustain rural communities. In determining the approach to planning for housing and affordable housing in rural communities, local planning authorities should have regard to the relevant subregional housing market and land availability assessments, the relevant Regional Spatial Strategy, Regional Housing Strategy and Local Housing Strategy.

Paragraph 31      The focus for significant development should be market towns or local service centres that are well served by public transport and other facilities. Development may be provided for in villages and other small rural communities where needed to contribute to their sustainability. The priority for development is developable brownfield land, but where this is either insufficient or not available developable greenfield may need to be used.

Paragraph 32      Local development documents should set out the approach to planning for affordable housing in rural communities that contributes to the creation of mixed and sustainable rural communities. This could include, for example, a lower site-size threshold or a higher proportion of affordable housing than that which applies for the rest of the plan area, or the allocation of small sites solely for affordable housing in larger villages or market towns (other than those provided for by the rural exception site policy – see paragraph 33).

Paragraph 33      In addition, all local planning authorities that have small rural communities<sup>7</sup> should include a rural exception site policy in relevant development plan documents that applies to all these communities within their area. This policy enables local planning authorities to allocate or release small sites within and adjoining existing small rural communities, which may be subject to policies of restraint (such as Green Belt), and would not be released for market housing. Development plan documents should set out the criteria against which sites not allocated in the development plan will be considered. Rural exception sites should only be released for affordable housing in perpetuity. Local planning authorities should consider, in applying the rural exception policy, the need to meet the needs of the rural economy, and in particular the needs of households who are either current residents or have an existing family or employment connection, in order that rural communities remain sustainable, mixed, inclusive and cohesive.

Annex A  
Paragraph 8      In addition, all local planning authorities that have small rural communities should include a rural exception site policy in relevant development plan documents that applies to all these communities within their area. This policy enables local planning authorities to allocate or release small sites within and adjoining existing small rural communities, which may be subject to policies of restraint (such as Green Belt), and would not be released

for market housing. Development plan documents should set out the criteria against which sites not allocated in the development plan will be considered. Rural exception sites should only be released for affordable housing in perpetuity. Local planning authorities should consider, in applying the rural exception policy, the need to meet the needs of the rural economy, and in particular the needs of households who are either current residents or have an existing family or employment connection, in order that rural communities remain sustainable, mixed, inclusive and cohesive.

Paragraph 12      Housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (i.e. rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing – see definition of affordable housing above).

### **Planning Policy Statement 7 : Sustainable Development in Rural Areas (PPS7)**

Paragraph 1      - Key Principles

Paragraphs 8 and 9 - Housing

### **Planning Policy Statement 13 : Transport (PPS13)**

Paragraphs 12 – 71 - Housing

Paragraph 19      - Accessibility

## **8.0 CONSULTATIONS**

### **County Highway Authority**

“The proposed development site is outside of any development boundary limit, is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. Public transport services are frequent on the A38 County Route, however the stops are some distance from the site, and involve pedestrians negotiating this busy road. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPGIO, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

In detail the junction of Ham Road with the A38 is substandard in terms of visibility, it is close to several other points of access where the chance of conflict is increased and there is currently no right turn lane for traffic from the A38. The addition of a further 36 dwellings in this location is likely to necessitate the introduction of such a facility.

The footway links between the site and the A38 are poor and in the main un-surfaced. There are no crossing facilities on the A38, and as such pedestrians utilizing the bus service into Wellington or from Taunton will have to cross this busy and fast stretch of highway unaided.

On the A38 in the vicinity of the Ham Road junction, there are several Personal Injury Accidents, involving right turn vehicles, busses pulling into and out of the bus stops and vehicles emerging into the carriageway into the path of oncoming vehicles. Any increase in the number of movements on this junction, is likely to exacerbate this situation, and is unacceptable to the Highway Authority.

The Highway Authority is aware that there are exceptions allowed in the Local Plan, under Policy H11. This policy makes provision for small affordable housing schemes, which meet the local community's needs, to be permitted on sites where housing would not otherwise be permitted. These should, however, be within or adjoining the identified limits of villages and rural centres providing they meet the appropriate criteria.

In this instance, the Highway Authority has concerns with regard to sustainability, the increase in use of the Ham Road/A38 junction and pedestrian safety. As such the application receives a recommendation of refusal for the following reasons:

- The site is outside any recognized development boundary limits, where it is remote from adequate services and facilities. The development, if approved, will increase the reliance on the private motor vehicle and foster a growth in the need to travel, contrary to advice contained within PPG13, RPG10 and the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- The increase in the use made of the substandard junction of Ham Road with A38, such as would be generated by the proposed development would be prejudicial to road safety.
- The proposed development is likely to generate an increase in pedestrian traffic on the A38 County Route, with consequent additional hazards to all road users."

Suggestions for Section 106 obligations and conditions to make the development more acceptable, should it be approved contrary to recommendation, are awaited.

## **Wessex Water**

### **"Foul Sewerage**

There is insufficient capacity in the system to serve this site. An appraisal is required to identify the point of adequacy in the existing system and whether any off-site system reinforcements are needed.

### **Surface Water**

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority (Taunton Deane Borough Council).

### **Possible Adoption of New Sewers**

In line with Government Policy, the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement."

## **Landscape Officer**

"The boundary hedgerows are the most important landscape features of the site and should be retained. I suggest laying the hedges before any development takes place and providing a fence line to provide long term security. Given the above plots 9, 21 and 33 are too close to the hedgerow and should be no closer than 3 m to the base of the hedge/hedge banks. Car parking spaces should be no closer than 1.5 m. The landscape proposals are indicative only but give limited opportunity for tree planting. The Ham Road aspect will need particular careful consideration."

## **Nature Conservation Officer**

"My concern is that no wildlife survey has been submitted with the application. There is a likelihood of protected species (e.g. nesting birds, badgers, dormice and reptiles) using the site. I therefore advise that there is insufficient information to determine the application. I recommend that a wildlife survey is requested. The survey should identify the use of the site by protected species and mitigation proposals as necessary.

The site is bounded on the road side by a hedge of mixed native species including blackthorn, hawthorn, field maple with a thick bramble strip to the north west boundary. I believe that there is connectivity through tree and scrub planting to the open space between Ham Road and the tip site. With a suitable food source and connectivity with trees and other hedgerows it is possible that dormice inhabit the site.

There is a possible badger track and other possible signs, such as snuffle holes, in the north east corner of the site that runs underneath the fence.

Stony areas on site may have significance for reptiles. The hedgerow and brambles are good habitat for nesting birds.”

### **Environmental Health Officer**

“Noise

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.

Noise Note

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:

Monday - Friday	0800 - 1800
Saturdays	0800 - 1300

All other times, including Public Holidays no noisy working”

### **Leisure Development Manager**

“This development should provide 900 sq m of equipped play space in line with Policy C4.

The play area shown next to the development site was provided by Summerfield, the applicant, in 1992 when it developed social housing on the adjacent site. This play area is 300 sq m and is in very poor condition with no equipment.

The current application does not make sufficient provision for children’s play which should be on site.

In addition to on site childrens play the development should also provide a contribution of £859.00 per dwelling towards off site active recreational facilities.”

### **Housing Officer**

“The Housing Officer supports this application. These low cost houses will contribute towards the demand for affordable home ownership homes. It is



necessary to ensure that the low cost discounted figures remains in perpetuity and that housing waiting list applicants are given the first nomination. This to be contained in the nominations agreement.”

### **Parish Council**

“The Parish Council feel that the proposal is far too large a number of homes for the site. The Parish Council would support the existing plans for 20 homes. One parking space per property is not adequate. The number of homes on the proposal would lead to unacceptable change to the environmental structure of the area.

The Parish Council are concerned that there would be problems with noise and pollution on such a congested site.

The present visibility splay to Ham Lane is not adequate and this number of homes would generate a large number of vehicle movements from Ham Lane onto the A38 at Piccadilly where there are particular safety concerns for vehicles turning right. There are also concerns about vehicles turning right from the A38 into Ham Lane. There is a lack of dedicated footway adjacent to the carriageway in Ham Lane. The Parish Council also consider that it is very dangerous for children crossing the A38; necessary when using school transport. There has been an increase in traffic density since the outline permission was granted for this site. There is no additional open space/play area linked to this proposed development.”

Note from Development Control Manager:- there are no existing plans for 20 dwellings on the site. The originally submitted plans for the planning permission for the Cob Castle development did include an indicative layout for a further 20 dwellings, but this was outside the red line for the site and the amended plans subsequently deleted this.

## 9.0 **REPRESENTATIONS**

9 letters of objection have been submitted making the following points:-

1. If approved, Taunton Deane Borough Council will be guilty of comprehensively destroying this entire area along with the lives of the council tax paying members of the public who live here.
2. Plans are purely motivated by greed.
3. Cramming 36 houses together with an entirely inadequate 36 parking spaces into this tiny space will create nothing short of a shanty town in an otherwise pleasant rural location.
4. Proposed houses are of miniscule proportions affording no real quality of life to their occupants.

5. The driveway shown for the inevitable incoming vehicles, which will bring total chaos to an already chaotic area.
6. Occupants likely to have more than one vehicle, resulting in the area becoming clogged up.
7. Ham Lane is a single lane country road which is already being used as a rat run.
8. The A38 is an incredibly busy thoroughfare and sometimes joining it can involve an agonising and dangerous wait – additional vehicles will make this worse.
9. Plans are impractical, ill conceived, money motivated and inhumane and must be thwarted at all costs.
10. Realise that a small number of houses may be built on the land.
11. Lack of pavements for pedestrians to use, especially children.
12. Children here at the moment have a reasonably safe living area and play on the proposed building area. Question where they will go when site is built on.
13. The natural environment will be badly affected by having such a large development.
14. There have been a number of near-miss accidents nearby.
15. Should be restrictions placed on the use of the road through Ham, e.g. a one-way system.
16. There is a lack of facilities and services, especially for teenagers, and the police have had to deal with a number of occurrences involving teenage crime in the area.
17. Local teenagers are bored due to a lack of facilities – which can only worsen with additional housing.
18. The landscaping around the newly extended business park has offered nothing to the community of Ham – would have preferred it to be properly sealed from view with no access to or from the site.
19. Detrimental effect as the development will alter the balance in the rural community of Ham.
20. Additional noise and pollution will cause concern to local residents in an area that has been extensively developed in recent years with the expansion of the business park and the increased volume of private traffic to Poole tip.

21. The plans override a footpath that is in use at the far end of the garden.
22. It is important that Ham survives as a village and is not allowed to be suburbanised into one large housing site with a disproportionate number of houses.
23. The original planning approval was for 20 houses.
24. Could the proposed development just be a mirror image of Cob Castle providing shared ownership properties.
25. Properties very small. When would the wheelie bin, green recycling box and food waste bins be stored – it would be an eyesore if they were in the front gardens.
26. No provision is made for visitor parking, so visitors will be forced to park outside other houses and cause obstruction. This will have a significant effect on traffic volumes, emission and stationary cars will cause a hazard. This could also hamper access for refuse collection vehicles, but more importantly emergency vehicles.
27. The development, as planned, will mean that mature trees will be torn down, thus destroying wildlife habitat. The hedgerows are abundant with wildlife and it would be an utter shame if they were destroyed.
28. Proposed development will have a detrimental effect on the value of existing houses in Cob Castle.
29. Appreciate that affordable houses are urgently required and have no objection in principle to a development there.
30. The endless terracing is not in sympathy with the local cottage style of housing.
31. Would be better for Summerfield to build half the number of houses to an acceptable size and design with space between them and make them available on a 50% shared ownership through a Housing Association.
32. Each property should have a side access.
33. The present visibility splay to Ham Lane will need widening to take account of any development, as it has barely been adequate to meet the demands of current traffic, let alone the extra vehicles.
34. Cars will inevitably be parked outside the proposed properties 1 -4, resulting in a dangerous situation with the close proximity of the Cob Castle/Ham lane junction. Those houses should face the opposite way, with the back gardens screened by the present maturing trees

and hedgerow, that are a valuable visual amenity at the entrance to Cob Castle, and will screen the new development.

35. Due consideration should be given to the provision of an additional access to the site further up Ham Lane.
36. Hope and trust that normal planning regulations will prevail and not be cast aside on the face of the current Central Government dictate for affordable houses at any price.
37. Is this site the current one for 'budget houses' – there are no local shops except the Spar outlet at Piccadilly Garage, there is no local school, the lane would require widening to allow safe and more heavily used two way traffic and further input into the relatively narrow diameter sewer pipe down the lane is likely to create problems.
38. Part of the land in question was originally a play area, which, due to anti-social behaviour by non-residents, had to be dismantled.
39. Given the nature of the use of the nearby retail distribution warehouse, there is the potential for noise impacts on residential properties. Buildings should therefore be constructed in a manner which ensures that residents will not be subject to noise levels above the accepted range for such uses in such locations, via appropriate conditions. Would be very concerned if a new housing development was constructed and the occupiers of the properties felt that the neighbouring established use, which creates significant local employment, was too noisy. This would potentially impact on ability to operate and also on the potential expansion of the operation in the future.

#### 10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Is the proposal in line with the Development Plan and National Planning Policy Guidance? POLICY
- B. Is there a proven local need for the proposed development? NEED
- C. Are the arrangements that are proposed to ensure that the proposed dwellings remain affordable appropriate? AFFORDABILITY
- D. Is the highway network linked to the site and the proposed access arrangements acceptable? ACCESS AND HIGHWAYS
- E. Is the design and layout of the proposed development appropriate? DESIGN
- F. Is the impact on the residential amenity of adjacent properties acceptable? RESIDENTIAL AMENITY

- G. Is proper provision made for wildlife in the area? WILDLIFE
- H. Will the proposal be adequately screened? LANDSCAPING
- I. Is the proposal sustainable? SUSTAINABILITY
- J. OTHER ISSUES

### **A. Policy**

Residential development such as that proposed needs to be assessed against the policies set out in the Development Plan, the Regional Planning Guidance, County Structure Plan and the Taunton Deane Local Plan, together with Central Government Planning Policy advice. The site is not within a recognised settlement and therefore for the purposes of planning policy is located within the open countryside. Policy S7 of the Taunton Deane Local Plan states that outside defined settlement limits, new buildings will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and also meets certain criteria. One of these criteria is that any proposals should accord with a specific development plan policy or proposal. Affordable housing schemes may be considered appropriate in the countryside in certain circumstances. This exception to the normal strict control of new residential development in the open countryside is set out in Policy H11 of the Taunton Deane Local Plan relating to rural needs housing. This policy states that small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing should not otherwise be permitted, either within or adjoining the identified limits of village and rural centres, again provided that certain criteria are met. Such proposals will only be acceptable where there is a proven local need and environmental and other standards are met.

The assessment of the proposal against the various criteria is considered in the following sections. The policy indicates that to be acceptable an exception site should normally be located either within or adjoining the identified limits of village and rural centres. Ham and Chelston are not recognised settlements. The nearest recognised settlements are Wellington, Bradford on Tone and West Buckland. However, the site is adjacent to the Castle Cottages and Cob Castle housing areas, the latter of which was granted under the rural exceptions policy in the early 1990s. The site is also close to the well established Chelston Business Park with its various employment opportunities and there is a convenience store outlet at the nearby petrol filling station on the A38. The site is owned by a developer who is keen to provide this form of housing at an early date. Road access is readily available from the existing development. I consider that this proposal provides a real opportunity of providing a number of affordable housing units on a relatively accessible site in the near future.

In terms of the criteria in Policy H11 my conclusions are as follows:-

While the number of housing units is greater than normally provided under this exceptions policy, I consider the proposed scheme to be small in the context of the adjoining development and the scale of housing need.

Criterion A. The Housing Officer confirms that there is a local need for affordable housing.

Criterion B. I consider this site to be the best available in the short term to meet a pressing need. I do not consider that the proposal will significantly harm the character and landscape setting of the area.

Criterion C. Arrangements will be in place through the Section 106 Planning Obligation to secure the availability of the dwellings in perpetuity for those in housing need.

Criterion D. The proposal does not incorporate high value housing.

Criterion E. Despite the objection from the County Highway Authority I consider that the site is reasonably located in relation to local facilities, employment and regular bus services to Wellington and Taunton (Criteria (A) – (C)). I regard the layout of the proposed development to satisfy the requirements of Criteria (D) – (H).

The following section notes the urgent need for additional affordable housing. I consider that taking this into account together with the above considerations, the principle of affordable housing on this site is acceptable.

## **B. Need**

Policy H11 of the Taunton Deane Local Plan requires that for an exception site to be acceptable, there should be a local need for affordable housing. Affordable housing is defined in the Local Plan as housing that is provided with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The need for affordable housing is a planning consideration and Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as part of its corporate aims. One of the principal objectives of the Corporate Strategy 2006 – 2009 is to enable the building of 985 units of affordable housing between April 2006 and March 2011. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Government policy requires that affordable housing should include both low cost market and subsidised housing.

The Couttie Report, commissioned by the Borough Council and published in 2002, indicated a substantial need for affordable housing in the Borough. It concluded that this would not be met by the expected operation of the housing

market and the likely investment programmes of the social housing providers including the Local Housing Authority. Accordingly it provided a justification for the inclusion of appropriate policies and proposals in the Local Plan. The report concluded that there was a need for an additional 131 units per year to be found from both the current housing strategy and sites coming through the planning process.

In 2004 the five Somerset districts decided to use a common method to inform all the councils of their Housing Needs. The Draft Report, prepared by Ark consultancy was published in October 2005. The Council has agreed to use the Report to inform the Planning Service of the need for social and affordable housing. The Report concludes that the need for affordable housing is now in excess of 550 units per annum. It recommends that there is ample justification for a 50% target in urban areas and 2/3rds in rural areas, split equally between social rent and intermediate market. It sees no reason why the Local Development Framework should not allocate sites for affordable housing only in suitable rural settlements, in line with current Central Government Guidance. The provision of affordable units in recent years has fallen significantly below the Couttie figure, with an average of 77 units per annum over the last 4 years. The need is therefore acute.

The Housing Officer confirms that there is a demand for affordable home ownership houses in the area.

### **C. Affordability**

The application has been submitted specifically for affordable houses. Because the site is beyond the limits of any recognised settlement, it is necessary to ensure that the proposed dwellings remain as affordable houses in perpetuity. The applicants have submitted a Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990. This requires that all the dwellings to be built pursuant to the planning permission shall be affordable dwellings. The owner of the dwellings shall not sell the freehold or let other than to an Initial Qualifying Person unless otherwise agreed in writing with the Council. An Initial Qualifying Person is defined as a person who is considered in the reasonable opinion of the Council to be in 'housing need' and who has a 'strong local connection' with the 'primary locality'. Further definitions of the above are included in the Obligation. The first sale of the 2 bedroom dwellings shall not exceed £75,000, plus the cost of any other Section 106 requirements and off-site works and the 3 bedroom dwellings not to exceed £99,000. The second or subsequent sale is to be no more than the 'average earnings figure' multiplied by 3¼ for the two bedroom dwellings and 4½ for the three bedroom dwellings.

Alternatively for rented properties, the rent shall be an amount which does not exceed the relative indicative target rent levels updated annually by the Housing Corporation.

There is also provision that where there is no 'initial qualifying person' agreeing terms to purchase or taking a tenancy or lease, a dwelling may be

offered to a 'secondary qualifying person', defined as a person who is considered to be in housing need and who has a strong local connection with the secondary locality (defined as within the District).

It is considered that these management and nomination arrangements will ensure that, as far as is practicable, the proposed dwellings will remain affordable in the future.

#### **D. Access and Highway**

The proposed development is to be accessed from the existing Cob Castle housing estate, which in turn is served by the lane leading from the A38 to Ham.

As well as objecting on transport sustainability grounds, the County Highway Authority is also objecting to the application on grounds of the substandard junction of the Ham road with the A38 and the increase in pedestrian traffic on the A38.

Notwithstanding the above comments and the recommendation of refusal by the Highway Authority, the Authority is suggesting Section 106 Obligations and conditions that may be imposed to make the development more acceptable, in the event of the application being approved contrary to their recommendation.

The applicants have costed out these requirements, but has indicated that the scheme would only be viable if the cost of these requirements were included in the price of the dwellings. This would have the effect of increasing the price above the £75,000/£99,000 threshold.

In my view, to load these costs on the purchase/rental price of the properties would take them beyond the level of affordability. I therefore conclude that if the need to satisfy the demand for affordable housing is of paramount importance, it would defeat the object if the cost of highways requirements result in the scheme no longer providing affordable housing.

#### **E. Design**

The proposal provides for the dwellings in the form of terraces at a relatively high density for a rural area such as this. However, in order that the scheme can provide the necessary affordability of the dwellings, this is considered to be acceptable in this particular instance. The site is adjacent to existing housing areas which have a mixture of semi-detached properties and terraces.

The elevation treatment is in the form of cottage style dwellings with small windows and simple porches and canopies. The proposed materials are considered to be acceptable for this location.

#### **F. Residential Amenity**



The proposed development is adjacent to the existing Cob Castle and Castle Cottages developments. The closest point to any of the Cob Castle properties is 18 m, at an angle across the road leading into Cob Castle. Although the depth of the rear gardens to some of the proposed dwellings backing on to the Castle Cottages properties is only 7 m, the existing properties at Castle Cottages do have very generous sized rear gardens (at least 18 m). A condition is recommended for boundary treatment and I consider that it is appropriate to provide for new close boarded fencing along the boundary with Castle Cottages. Subject to this, I consider that the residential amenity of the occupiers of the existing dwellings will not be adversely affected.

### **G. Wildlife**

The Nature Conservation Officer considers that there is a likelihood of protected species, e.g. birds, badgers, dormice and reptiles, using the site. A wildlife survey and report has been requested addressing this issue. The favourable recommendation in this Report is made subject to the receipt of a satisfactory wildlife report.

### **H. Landscaping**

There is a well established hedge boundary to the Ham road. This will be retained, ensuring that the rural character of the lane at this point is not significantly affected. There is a substantial group of trees beyond the site to the north. The amended plans address the concerns initially raised by the Landscape Officer.

### **J. Sustainability**

Although the site is not within or adjacent to an existing settlement, it is within a short distance of the A38 along which a 20 minute daytime interval bus service links Taunton and Wellington. This service also operates at a reduced frequency in the evenings and on Sundays. The existing employment areas at Chelston Business Park are within easy walking distance. The employment area at Chelston Manor and the proposed employment site at Chelston House Farm are also relatively close.

A wildlife survey and report is to be submitted.

### **J. Other Issues**

At the request of the Environmental Health Officer a condition is recommended requiring the submission of an acoustics report to identify measures (if needed) to ensure that noise from the nearby employment areas will not cause nuisance to the occupiers of the proposed dwellings.

The Leisure Development Manager is requesting the provision of an equipped childrens play area on the site. A childrens play area was provided for the

adjacent Cob Castle development, but prior to being adopted by the Borough Council, the equipment was removed due to repeated instances of vandalism. In view of the history and the need to ensure that the proposed dwellings are provided at an affordable price, I consider that it is more appropriate to retain the previous play area, which is immediately adjacent to the current site, as an open ground area. I also consider that any contribution towards off-site recreational facilities would be inappropriate in view of the need to keep the proposed dwellings affordable.

One parking space per dwelling is within the current parking requirement for new residential developments.

## 11.0 **CONCLUSION**

Although the application site is not within or adjacent to an existing settlement, it is adjacent to existing housing areas, which in turn are immediately adjacent to the Chelston Business Park. It is close to the A38, along which there is a frequent bus service and there is a local convenience store at the petrol filling station on the A38. In view of these factors I consider that it is an appropriate site for the provision of affordable housing, as a rural exception site. The submitted Unilateral Undertaking ensures that the proposed dwellings will remain affordable and meet local housing needs in perpetuity. I regard the need for affordable housing to be acute.

In order to ensure that the proposed dwellings are affordable in the first instance, I consider that the requested leisure contributions and highway improvements should not be acceded to.

The land is in the hands of the applicant and has the capability of providing low cost affordable housing in this location at an early date.

My recommendation is therefore a favourable one.

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

**CONTACT OFFICER: Mr J Hamer Tel: 356461**