

21/14/0003

ALMA (SW) LTD

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF 8 NO. RESIDENTIAL DWELLINGS, COMPRISING 4 NO. AFFORDABLE DWELLINGS AND 4 NO. OPEN MARKET DWELLINGS, ON LAND ADJOINING THE VILLAGE HALL, LANGFORD BUDVILLE (RESUBMISSION OF 21/13/0012)

Location: LAND ADJOINING THE VILLAGE HALL, LANGFORD BUDVILLE

Grid Reference: 310701.122894

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the applicant entering into a Section 106 agreement to secure the following:

- a. Provision of four dwellings to be Affordable in line with the size and tenure set out within the application.
- b. The provision of (or equivalent financial contribution of £17,424 towards) children's play facilities in Langford Budville.

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. Prior to their construction, the layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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 Policy DM1 of the Taunton Deane Core Strategy.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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 wildlife 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 wildlife and habitats from damage and disturbance during and after the development process in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

6. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPG, and the results of the assessment provided to the local planning authority. Surface water drainage works will require a Sustainable Drainage System; prior to its installation the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Include a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to safeguard land and properties downstream of the site from an increased risk of flooding from development in an area of known ground and surface water issues, in accordance with Taunton Deane Core Strategy Policies CP8 and DM1.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration to the dwellinghouses hereby permitted without the further grant of planning permission.

Reason: To prevent overdevelopment of the site in the interests of residential amenity and to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed on or over the site, other than that expressly authorised by this permission, without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the

Taunton Deane Core Strategy.

9. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
4. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds

before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The application comprises the erection of eight (8) dwelling houses on land to the North of Langford Budville Village Hall. The proposed dwellings will comprise four open market four bedroom dwelling houses and four affordable dwellings; two 1 bedroom dwellings and two 2 bedroom dwellings.

The original scheme submitted in March 2014 comprised the erection of twelve (12) dwelling houses; seven open market and seven affordable homes. Following the undertaking of a Housing Needs Survey for the Parish of Langford Budville, the application has been amended to comprise the eight dwellings now being determined. A financial viability assessment has been undertaken and its findings have been ratified independently by Savills (Exeter) at the Council's request.

The application seeks outline planning permission with all matters reserved. No indicative layout plan has been submitted and the original, indicating the layout for twelve dwellings has been withdrawn. Notwithstanding, it is taken that the existing road serving the village hall will provide the sole means of vehicle access to the development site. A Flood Risk Assessment has been submitted (March 2015) and concludes that the proposed development should not increase the risk of flooding downstream of the site. A SUDS scheme will be developed at the reserved matters stage, with surface water directed to a watercourse North of the site via an existing outflow pipe that currently serves the village hall. No connection to the detention basin adjacent to the site will be proposed.

As stated above, the application is supported by a Flood Risk Assessment, Langford Budville Local Housing Need Survey report and Financial Appraisal based on the principles of the Homes & Communities Agency Economic Appraisal Tool.

SITE DESCRIPTION AND HISTORY

The application site is located to the Western periphery of Langford Budville, immediately North of the village hall. The site is currently a disused area of

agricultural scrub land; it is unfenced and laid to grass. It is bound to the North by a public footpath and the highway known as Ritherdons Lane.

To the East of the site are residential dwellings arranged in a linear form fronting the public highway, with gardens and agricultural land generally to the South of these properties. To the West is an agricultural field and the South, the village hall with its associated parking areas and surface water detention pond. Accessibility to the centre of the village is limited to being along Ritherdons Lane and a combined private and public footpath that crossed the village hall site, moving East across agricultural fields to a point where it terminates with Ritherdons Lane.

The village hall was granted planning permission on a former greenfield site under LPA reference 21/04/0017.

Outline planning permission was previously sought for the erection of twelve dwelling houses on the site now being considered, LPA reference 21/13/0012. The application was withdrawn by the applicants.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANGFORD BUDVILLE PARISH COUNCIL - A PC meeting was held to discuss this application. Councillors supported the application by a 3-1 majority. However there were concerns raised by the public regarding parking, drainage and there being no plans to view.

DRAINAGE ENGINEER - Original objection raised on lack of FRA. Final comments:

I refer to the FRA carried out by MBA Consulting dated March 2015 and comment as follows:

There is a history of flooding downstream of this proposal and any approved SUDS based scheme shall ensure that downstream flooding is not increased.

Wessex Water state that the surface water sewer has not been adopted and is private. Details of ownership and agreement on connection required before permission is given.

Current EA advice is that runoff rates are restricted to a 1 in 2 year greenfield runoff rate for all storm periods up to and including the 1 in 100 year plus climate change event or 2 litres per second per hectare whichever is lower. The attenuation scheme will need to comply with this standing advice.

The surface water drain referred to already has a flow control device installed. Any on site attenuated storage needs to reflect this limited outfall within separate on site detention facilities as the adjacent attenuation pond only provided for the existing village hall drainage etc.

Stating the proposal does not increase risk of flooding off site not strictly correct as any scheme that is not designed to current SUDS practice will be a risk from runoff from this steeply sloping site. Any design provided will have to show how exceeding

flows from this site will be dealt with.

Conditions provided to reflect these comments.

HOUSING ENABLING - Original objection to development as proposals did not reflect housing need. On amended scheme comments are as follows:

The previous Housing Enabling Comments made on this application raised concern that the results of the Housing Needs Survey did not reflect the current planning application and suggested a development of 4 affordable homes to minimise the risk of future void properties and taking into consideration existing affordable stock within Langford Budville.

This application now provides the suggested four affordable dwellings in the form of:

- 2 x 2bed houses for social rent; and
- 2 x 1bed apartments for social rent

This is considered an appropriate mix to meet the identified housing need, provided that the 1 bed apartments are of maisonette style with their own entrance and garden area.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

BIODIVERSITY - Unable to make detailed comments as no wildlife survey was submitted.

The site is mainly rank grassland and the species likely to be impact upon are reptiles and amphibians.

A wildlife survey is required at some time, preferably the outline stage to inform a wildlife strategy.

Condition suggested.

PLANNING POLICY - Comment as follows:

Core strategy policy CP4 seeks the delivery of around 4000 new affordable housing units, a target of 25% of new housing should be in the form of affordable housing with contributions being sought on sites of 5 or more dwellings.

In relation to proposals at villages such as Langford Budville with a defined settlement limit, Core strategy policy DM2 states that:

“Outside of defined settlement limits the following uses will be supported:...”

The subsequent list includes:

“6. Affordable housing

Adjoining settlement limits, provided no suitable site is available within the rural centre;

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.”

Comment: Milverton is the nearest identified rural centre, it is unclear whether or not there is a potential for sites at that settlement to meet the need identified in the Housing Needs Report submitted with the application or the development proposed, the planning application does not appear to address that question. Notwithstanding that, the application site is well related (albeit not adjacent to) the Langford Budville settlement limit, and the local facilities in the village.

Affordable Housing Supplementary Planning Document

The requirements of the SPD and comments on each aspect of the application are as follows:

The Council will expect such developments to be small scale and should:

Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.

Whilst the applicant has commissioned and submitted a Housing Needs Report with the application, I am concerned to know whether the Council’s Housing Enabling Lead is satisfied that the revised planning application properly responds to the need identified in the Report. If it does not then the application should be recommended for refusal.

Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.

The application site is close to rather than immediately adjacent to the settlement boundary, it is however well related to existing community facilities, lying in between the edge of the residential area of the village and the new village hall. The form of development proposed appears to be broadly consistent with the character of the settlement.

Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.

It is unclear whether any such exercise has been carried out.

Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable

housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.

If planning permission is ultimately granted, this should be conditional on an appropriately worded S106 agreement ensuring that the affordable housing element is retained in perpetuity.

In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application.

The proportion of cross subsidy open market housing proposed is 50% of the scheme total. From the information provided with the planning application it is difficult to assess whether this mix is essential to make the scheme viable.

Conclusion:

On the basis of the information provided, it is difficult to reach a firm conclusion as to whether the application has successfully met the tests in the Council's policies. In the absence of further detail on the points over which information is lacking I would suggest that it should be recommended for refusal.

WESSEX WATER - Standard advice on connections and ownership of systems provided. No objection raised for connection of mains sewers.

LEISURE DEVELOPMENT - Provision for play should be made in accordance with Policy C4. A contribution of £2,904 for each 2+ bed dwelling should be made towards off site childrens play. The contributions to be spent on additional facilities for the benefit of the new residents, within the vicinity of the development.

SCC - TRANSPORT DEVELOPMENT GROUP - I refer to the above mentioned planning application received on 18th March 2014 and following a site visit I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to an outline application for the development of 12 residential units.

In terms of vehicle movements the average dwelling would generate between 6-8 movements per day. As a consequence the site as a whole could potentially generate 96 movements per day which equates to additional movements every eight minutes. This is therefore considered not to be significant enough to warrant an objection on traffic capacity grounds.

The proposal will utilise the existing junction, which was built under a S278 agreement with the Highway Authority. From reviewing the legal file it is apparent that the proposed residential development was shown on the approved plans. As a

consequence the Highway Authority is satisfied that the junction has been constructed so that it is able to accommodate the additional traffic that would be associated with this development.

Turning to the internal arrangements the Highway Authority has the following comments to make. Firstly would the applicant be able to confirm whether the approach road to the site (which serves the village hall) will remain private or will it be offered for adoption? If it's to remain private then the Highway Authority would not look to adopt the proposed residential development. The Highway Authority's reasoning for this request is that the existing road has only been finished to gravel surface course and it would require it to be upgraded to a type 4 bituminous macadam carriageway if they were looking to have the proposed adopted.

In regards to the access to the site the Highway Authority would require that a 6.0m junction radii is provided. Where it is to tie into the existing carriageway allowances should be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. In addition the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road.

The 'Design and Access Statement' indicates proposed visibility splays across the site access of 2.4m x 33m in both directions. The lengths of the splays are commensurate of vehicle speeds of 25mph which is acceptable in this instance. However, the applicant will need to submit to Somerset County Council, a layout plan confirming that the full extent of the required splays will be contained within their red line site boundary for dedication purposes. The red site line boundary as indicated within the submitted drawing number AL/2013/10C does not appear of sufficient area to contain the required splays. The full extent of the visibility splays will be adopted by this authority and there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level.

From visiting the site it was observed that there is a level difference between the existing access road and the land contained within the application site. Therefore the applicant might be required to provide retaining walls. As a consequence Somerset County Council as the Highway Authority will need to be assured of the safety and durability of any retaining structure that is being offered for adoption, as well as private structures that will be constructed within 3.67m of the highway boundary and has retained height of 1.37m above or below the highway boundary. Any structure to be adopted by Somerset County Council or private walls with a retained height of 1.5m will require the submission of an Approval In Principle (AIP) report. The report shall be signed by a Chartered Engineer (Civil or Structural) and submitted before the commencement of the detailed design.

In terms of the internal layout the applicant would need to take on board the following points prior to any further submissions. Firstly the applicant should be aware that it is likely that the internal layout of the site will result in the layout of a private street and as such under Sections 219-225 of the Highways Act 1980, will be subject to the Advance Payments Code.

The application site lends itself to either a type 4 bitumen macadam carriageway

with 2.0m wide footways provided throughout, or a block paved shared surface carriageway with minimum width of 500mm service margins. Block paved shared surface carriageways should have a longitudinal gradient no slacker than 1:80 to aid surface water drainage. The applicant should note that no doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct the footways or shared surfaced roads. The Highway limits shall be limited to that area of the footway/carriageway, clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps.

The Highway Authority would also require a continuous footway to be provided from the site access up to and including the existing footway that terminates at the top of the newly constructed access road that leads to the village hall. However from the red line plan it appears that any proposed footway would be on land outside the application area.

Turning to the site drainage the applicant has indicated that this residential site was included within the original Flood Risk Assessment (FRA) for the Village Hall. However this document has not been included in this submission. The applicant would need to provide the Highway Authority with a copy of this document to allow for an appropriate assessment of this proposal on the drainage.

Paragraph 4.05 within the 'Design and Access Statement' indicates proposal to discharge surface water from the application site via either a sustainable drainage system (SUDs) or connecting into an existing drainage system. The applicant must be made aware of the fact that any proposed SUDs system must be located outside of the prospective public highway limits and that any proposed connection into an existing drainage system not being maintained by the Highway Authority, will need to be supported by written evidence of the consent of the authority or owner responsible for the existing drain, with a copy forward to Somerset County Council.

The applicant should note that if the site drainage or the existing carriageway drainage is to be adopted then it would need to be subject to an easement to allow for maintenance access at all times.

Where works have to be undertaken within or adjoining a public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 0845 345 9155. In addition surface water from all private areas, including drives and parking bays, will not be permitted to discharge onto the prospective public highway. Private interceptor drainage systems shall be put in place to prevent this from happening.

Finally the application site appears to be contained within a Conservation Area. Therefore it will be necessary for the applicant to liaise with Somerset County Council's Conservation Officer in regard to proposed materials and street lighting columns.

Therefore to conclude the Highway Authority has no objection in principle to this proposal to this proposal. However the applicant will be required to submit further details. These include:

- Suitable drainage details for the site or the original FRA for the Village Hall;
- AIP report for the retaining walls;

- Confirmation from the applicant whether the access road will be adopted; and
- An amended plan showing the extent of the visibility splays and also a footway link between the site and the newly constructed access.

Until this information is provided the Highway Authority is not in a position to provide further comment on this proposal.

Representations

Somerset Wildlife Trust - Support the comments of the Biodiversity Officer. A wildlife survey is required before any site works can start.

CPRE Somerset - Object to the proposals. The CPRE believe that the countryside should be protected and that new housing should be restricted to areas identified by Local Planning Authorities in their Development Plans. Policy SP1 of the Taunton Deane Core Strategy identifies Langford Budville as a village where there should be no further allocation of land for housing development and where settlement boundaries will be maintained. The policy identifies land outside settlement boundaries as open countryside. The proposed site is located outside the confines of the settlement boundary in an unsustainable location where residents would be entirely dependent on motor vehicles to access services. Therefore this planning application should be refused.

11 letters of SUPPORT from 11 Households received in response to the original and revised proposals, making the following planning related comments:

- We have a wonderful school which will hopefully be supported by new families moving into the village;
- There is a need for affordable housing in the village and it is wrong that people are forced to move out of the communities they grew up in to the larger towns because of the lack of affordable housing;
- All villages have to be allowed to grow in a controlled way or they will stagnate and die. The eight houses proposed are not going to have an adverse impact on the village but will benefit it as a whole;
- Elder daughters and their partners are having significant trouble finding any affordable housing in this area; indeed one has just moved to rented accommodation in Waterrow which is very expensive and means more travel being required;
- The Parish is weighed down by elderly home owners and it is time the balance was addressed... with more young families in the village. More affordable dwellings will give the young a means to live in an area they wish to;
- The amended scheme is a good step forward. Local business is in need of seasonal labour during the Christmas period and a mix of properties to serve various financial circumstances can only be positive;
- Suitably sited on the edge of the village not to harm other properties;
- We need young people in the parish so the village does not turn into a retirement area;
- The site is very appropriate as there are few sites available;

- The village is in need of more housing like this;
- The position will have a minimal effect on the Parish and will be visible only to a small number of people.
- The survey has shown affordable housing is badly needed in the Parish;
- We need young families that can afford local properties to ensure the future of the Parish and its facilities.

37 letters of OBJECTION from 22 Households received in response to the original and revised proposals, making the following planning related comments:

- It is completely inappropriate to build in this once pretty village; will lovely views go on being spoilt by greed? We have enough new houses in this once lovely village and do not need any more;
- The site is outside the settlement boundary in open countryside;
- There will be more flooding;
- If existing sewage pipes are used, note I already have raw sewage coming into my garden when there is heavy rain as the system cannot cope; if connecting to main sewers the issue will be exacerbated;
- Proposals would equate to 17 additional cars based on 2011 Somerset census data; road through the village when turning right out of village hall is too narrow for two cars to pass and extremely limited visibility at Langford Court;
- Proposals would make the area around the school even more congested; even those residents walking will find it increasingly hazardous to do so; vehicles should not be allowed to turn right out of the village hall;
- Remote location outside the village will impact on the character of the neighbourhood; significant visual impact by building so many houses adjacent to farmland, woods and fields;
- Localised flooding has increased over the past 12 months. Adding more residential properties will further impact the effectiveness of natural drainage and increase the local water table. Clearly improperly assessed in allowing the village hall;
- Development will be out of keeping, over bearing, out of scale and out of character in terms of appearance, compared with other properties in the vicinity;
- Difficult to assess proposals without plans; question parking provision;
- Properties along Ritherdons Lane often suffer damage from vehicles; significant increase in vehicle movement causes serious concern, especially for lorries;
- Having concealed the village hall, cannot believe housing will be allowed along the skyline;
- Despite the water survey concerns over flooding; the field next to the site is very boggy; to allow family homes here is unacceptable.
- The village loses its bus service in May completely compounding travel problems for all villagers; eight extra homes and cars will add to existing dangers on the lanes;
- Since the building of the village hall Ritherdons Lane resembles a red river at times; run off water floods behind properties of Ritherdons Lane; it comes out of a wall at the bottom of Ritherdons acting like a waterfall; existing flood bund is inadequate at the hall site;
- The village hall pond has overflowed twice causing downstream damage; This cannot be added to.
- Each house should have two parking spaces;
- A footpath between the village hall along the road to the village should be

guaranteed;

- Light pollution should remain low so not to disturb wildlife on the adjacent SSSI;
- The application is contrary to Policy DM2 with no low cost housing need on the scale proposed;
- 3 buses per day (each way) are inadequate to serve new dwellings;
- Development is too intensive for this location;
- Development is out of keeping with the village atmosphere, being high density;
- Classes from the school regularly walk along the road to the village hall; increased vehicle movements will increase danger;
- Roadside drains are inadequate and water often rises out of them due to local flooding issues;
- The site is dotted with natural springs and has an underground reservoir to the North;
- Proposals contravene Policy SP1 and are not supported by the majority of residents and is not required;
- Development contravenes the Core Strategy which states that no further housing allocations should be made in Langford Budville;
- Ritherdons Lane is used as a rat run from Wiveliscombe to Milverton, Wellington and the recycling centre at Poole; majority of drivers ignore the speed limit and signs;
- Traffic calming measures should be considered and no access into Ritherdons Lane except for access;
- Access for emergency services has been difficult in last 18 months due to congestions on the lane;
- Near collisions and congestion occur at the junction between Ritherdons Lane and the highway by the Church; this will exacerbate the problem;
- As an exception site the need for housing needs to be proven in the current survey;
- Development here needs to improve the surface water drainage situation with SUDs and other measures and not exacerbate the current situation;
- Use of the path to the village hall is not suitable in wet weather or by those with difficulty walking at any time;
- In the past winter the village hall car park has been flooded and water constantly flowing through it;
- The village does not have any shops, doctors or mains gas or high speed broadband; the development would be better sited close to accessible and affordable amenities;
- The area has a nature reserve; there are Kestrels and owls in the area; new housing may drive them away; Frogs, toads and newts frequent many neighbouring gardens and may be on site;
- There remain vacant homes in the village built for those with a local need; development is therefore unacceptable;
- Modern design of dwellings will be a travesty in this rural setting;
- Will new residents tolerate the noise etc from the adjoining garden machinery maintenance business?
- Underground water pipe network was disturbed by excavation and works for the village hall;
- There has been no changes since the previous application in August 2013 and is unsuitable for any 'exception' description;
- The development includes freehold properties for private sale with no public access and no purpose but to fund development of agricultural land for non-social purposes;

- Vehicles already park along the road forming a hazard to primary school children;
- Question viability and cross subsidy; development in the centre of the village with similar subsidy plans resulted in properties attaining only 66% of the asking price;
- There are far better properties in the village coming onto the market regularly that will make the freehold dwellings in this development unattractive in comparison and unable to provide any cross subsidy;
- The development would be 1.375 km from the largest parish employment site compared to 1.925 km from housing being erected at Longforth Farm, Wellington; the second largest employment site is 0.75km from the site and 2.625km from new housing being built at Creedwell Orchard, Milverton; where is there a local exception need for housing in the parish?
- In the absence of a consultation response, I would draw your attention to the Highway Authority comments on 21/04/0017 and their address of drainage issues;
- Do not recognise the rationale in a planning department involving itself as to the commercial imperatives of an applicants scheme;
- Warning has been provided by the local PCSO about parking and the issuing of fines for vehicle sparked on the highway within the settlement.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Whilst the final floor space is not known, based on current rates, the CIL receipt for this development is likely to be approximately £41,000.

New Homes Bonus

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) £9753

Somerset County Council (Upper Tier Authority) £2438

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £58515

Somerset County Council (Upper Tier Authority) £14629

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues in the consideration of this application are the principle of the development, the impact on the character of the area, the impact on the highway network, the impact on existing neighbouring property, the impact on flood risk and ecology.

Principle of Development

Planning Policy

The application site lies approximately 55 metres outside the settlement limit of Langford Budville, within an area of open countryside where development plan policies do not support the provision of new residential development. That said, the site is very close to the settlement limit and existing dwellings along Ritherdons Lane and it relates physically to the village hall development.

Langford Budville is a small rural settlement of approximately 530 residents. The village provides a range of services and facilities, including a village hall, church, public house/restaurant and junior school. Whilst there is no retail outlet there is a small nursery on the periphery of the village with a small coffee house and there are a range of rural employers in the general locality.

The application comprises a 'cross-subsidy' residential development scheme; it is proposed to erect eight dwellings on the site; four 'open market' dwellings for private sale, together with four 'affordable' dwelling houses that will be restricted in their occupancy to people registered as being in need of affordable accommodation and who can also meet a local connection to the Parish of Langford Budville.

As a cross subsidy development, the sale of the open market units will provide funds to develop the four affordable dwelling houses. Policy DM2 of the Core Strategy supports the development of rural exception sites for 100% affordable housing developments. The submitted scheme constitutes a 50% provision of affordable units and thus fails to comply with the policy, or any other housing policy within the adopted Core Strategy.

Notwithstanding, Para 54 of the NPPF states:

"In rural areas, exercising the duty to cooperate with neighbouring

authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

Housing Need and Provision

Whether there is a need for additional affordable dwellings within Langford Budville has been questioned by local residents. From consultation responses there appears to be a section of the community in support of the proposed development, as it will allow young individuals and families to live within a village/parish to which they have a close local connection. There are also those individuals who do not see there to be a requirement and that existing housing stock should suffice.

In order to allow the development to be supported, it has been essential that the applicant demonstrate there to be a need for affordable housing within the Parish of Langford Budville. As such, a Local Housing Need Survey was undertaken, which concluded with the submission of the Housing Needs Report to the Council in April 2014. The submitted survey established there to be a need for six affordable homes for single persons, couples and families; three respondents required accommodation in 1-3 years and three in 4-5 years time.

The time frame was originally such that Housing Enabling Officers recommended four affordable units be developed so as to avoid the possibility of void and unoccupied affordable properties being provided. As such, a revised proposal for four affordable units was submitted, covering the size of units identified within the survey results.

Viability

The viability of an eight unit scheme has been assessed by the applicant, who has also paid for an external, independent source to assess the financial viability of the scheme for quality and security purposes, as requested by the Council. The proposed development, when taking into account all expected costs, is viable and it has been proven that four dwellings is the minimum number of open market dwellings needed to make the scheme viable. The provision of four open market dwellings will allow the construction of the four affordable dwellings and will provide the landowner with an acceptable return for the sale of the land, in the Council's opinion.

It is acknowledged that the proposed development is contrary to development plan policies for the provision of new residential development. Notwithstanding, wider policies support development that creates more sustainable, inclusive and socially cohesive communities. The provision of affordable housing through cross subsidy development is accepted by the National Planning Policy Framework as being an acceptable mechanism with which to satisfy an identified housing need. On the basis that a housing need has been identified and is supported by Housing Enabling

Officers and the Parish Council, and that the development is considered to be an acceptable proposal that is financially viable. These matters are considered to satisfy the concerns of the Planning Policy Officer and therefore, the principle of development is considered to be acceptable.

Impact upon character of the area

The site is sited adjacent to Ritherdons Lane to the North, beyond which the adjacent agricultural land continues to rise for some distance; the surrounding landform generally levels off to the West and descends to the South and East toward the village hall and neighbouring dwellings respectively. Despite the decimation of boundary hedgerow and trees when the village hall was constructed, there remains a relatively high level of screening to the West, which is primarily provided by the woodland at Langford Common.

Whilst it is set on a lower parcel of land and is a single storey building, the construction of the village hall has established the precedent for building on this site, in the sense that the visual impact of development is acceptable. Whilst no indicative plans or scale parameters are provided for the proposed dwellings, it is anticipated that the buildings will be two storey in scale with an element of road frontage to the layout.

The site is not, contrary to of some objections, located within an Area of Outstanding Natural Beauty or other designated landscape. It is considered that a scheme can be designed so as to reflect the traditional building styles present within the village and two storey form will not result in visually dominant buildings within the wider landscape; in fact they will only have a visual impact locally along Ritherdons Lane and from a few local vantage points in the village. Notwithstanding, the site is on the edge of the village with built development to the South and East. Within the area landscape, the construction of eight dwellings on this site is not considered to result in a significant visual impact, nor detract from the character or appearance of the area to a degree that warrants refusal. The proposals will therefore comply with Policies DM1 and CP8 of the Core Strategy.

Impact upon highway network

The application site would be accessed off Ritherdons Lane to the North, via the new road that leads to the village hall to the south. Detailed access arrangements are a reserved matter but it is necessary to consider the principle of accessibility of the site, particularly for motor vehicles.

The main access into the site off Ritherdons Lane is provided with a visibility splay across the site frontage that is considered to be acceptable and will provide for good inter visibility between highway users. Additional details requested by the Highway Authority can be submitted and dealt with under reserved matters.

A large proportion of objections relate to increased traffic along Ritherdons lane being unacceptable due to its narrow width, poor alignment and danger to pedestrians (including school children). The Highway Authority estimate that the eight dwellings will generate approximately 96 additional vehicle movements per

day, or one every eight minutes. They conclude that "this is therefore considered not to be significant enough to warrant an objection on traffic capacity grounds" and this point cannot be disagreed with.

Objectors are concerned about the suitability of Ritherdons Lane to carry additional movements however, one movement every eight minutes is of a low intensity and will not cause a significant impact upon highway safety. Whilst the road is used by pedestrians and school children, experience on site and having driven the lane on many occasions suggests that vehicle speeds are generally below the 30mph limit due to its restricted nature. It is also necessary to note that Ritherdons Lane is not the only means of accessing the site, which can also be made from the Western end of the village off the Wiveliscombe road.

In terms of technical detailing, the Highway Authority will require significantly more detailed plans and information in order to comment on the design of the road and parking layout serving the site. This can all be submitted for assessment at the reserved matters stage.

In conclusion, the proposed development of eight dwellings is not considered to significantly harm highway safety or the capacity of the local highway network to a degree that warrants refusal.

Flood risk and drainage

The application site is located within flood zone 1, where is it at the lowest risk of fluvial and/or coastal flooding. There have, however, been a number of objections relating to ground water conditions and surface water drainage both within the application site and on the adjoining village hall property. With regard to foul waste disposal, Wessex Water have not highlighted any reason as to why a connection to the public mains sewer cannot be made.

Having visited the site on a number of occasions since 2013 and having walked the local roads and footpath, groundwater and surface water is doubtless an issue that will require scrupulous detailing and accuracy in the designing of a surface water drainage scheme to serve the proposed development. The applicants have submitted a Flood Risk Assessment and proposes a means of disposing of additional surface water flows through on site detention within new stores and by disposing of flows into a water course on land to the North of Ritherdons Lane.

From the photographs and evidence provided by objectors, it appears at face value that the village hall drainage detention pond is not working as it should; that said, it is not proposed to connect the proposed development into this system other than to dispose flow into the nearby watercourse. The Drainage Engineer has provided detailed comments on the FRA and proposed drainage. It would now appear, contrary to when first submitted in 2014, that the development is acceptable in principle, subject to drainage being dealt with through the design of a SUDs scheme that can mitigate the surface water and ground water issues on site.

It is acknowledged that the site is somewhat boggy due to groundwater levels however this can be mitigated and will need to be in order to allow the development to commence. In line with the Drainage Engineers comments, it is concluded that a

suitable SUDs scheme can be designed to deal with drainage for the proposed development and that this can be done so as to ensure that additional surface water flows and existing groundwater within the site does not result in additional flooding issues to residents East of the site. Such a scheme will need to be submitted at the reserved matters stage for detailed assessment and such can be secured by condition.

Ecology

The site is in a poor condition for an parcel of land with an agricultural use, having remained un worked for a number of years. No wildlife survey has been submitted and the site is known to be close to an SSSI. Local objectors note that frogs, toads and newts are present within the area as well as many species of bird. Slow worms may also be present on the site. The site is sufficiently distant from the SSSI and Langford Common as not to directly or adversely impact upon its habitat.

It will be important to establish the presence of any wildlife on the site before development commences. Whilst this would usually occur at the outline stage, it is possible to undertake ecological surveys for the reserved matters application and the Biodiversity Officer does not object on this basis as there is no reason to suspect that protected species could be affected. With the site in the condition that it is, it is questionable as to whether any protected species are likely to be on the site., however a condition requiring the submission of a wildlife survey for the site is recommended in the absence of survey at this time. Any presence of protected species will require the design of a suitable mitigation strategy and such will also require submission before reserved matters can be approved.

Accordingly, it is recommended that survey and mitigation work be required and the condition recommended by the Biodiversity Officer should be imposed upon any grant of outline planning permission.

Amenity

The site is located immediately West of a small garden machinery maintenance business which operates out of a yard and building within a small site. The nearest residential property is East of this business along Ritherdons Lane.

The erection of eight units within the site will not adversely impact upon the amenity of nearby residential properties. The primary impact upon amenity, if any, will arise out of any noise generated by the neighbouring business unit. Experience from site visits suggests that high level noise is not a common output from the business, but even if it were to increase, any prospective occupant of the proposed dwellings will need to decide for themselves whether living next to a well established building is acceptable to them.

Notwithstanding, it is considered that the amenity of prospective occupants and adjoining properties will not be unduly harmed and that land uses within the area are generally compatible.

Conclusions

It has been accepted that the proposed development does not strictly accord with the Taunton Deane Core Strategy Policies for the provision of new residential development. However, the National Planning Policy Framework provides a proactive approach to providing affordable housing in areas where there is an identified needs and where the provision of open market housing is required so as to allow sites to be released.

The proposals are considered to accord with Para 54 of the NPPF and the wider aims of the Core Strategy in providing for sustainable, mixed and inclusive communities that provide housing for people in need. The application has established there to be a need within the Parish and that the cross subsidy scheme is financially viable, whilst ensuring that the land value is not excessive or unreasonably high. The proposals are supported by the Housing Enabling Officer and therefore the principle of development is supported.

Matters relating to the design, appearance, access and layout of the development are reserved, but these matters are thought to be capable of being achieved in a suitable manner in principle.

The proposed development, at the scale proposed, will not result in any significant adverse impacts upon highway safety and it is considered that an acceptable drainage scheme can be designed to deal with surface water and ground water flows within the site, without impact upon land and properties downstream of the site.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions and the applicant entering into a Section 106 Agreement to secure the retention of affordable units in perpetuity and a financial contribution towards off site childrens play.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469