

26/08/0011

DEVONSHIRE HOMES

**RESIDENTIAL DEVELOPMENT COMPRISING 19 X NO. 2 AND 3 BEDROOMED AFFORDABLE HOUSES WITH PARKING, ACCESS ROAD AND ASSOCIATED WORKS AT NYNEHEAD ROAD, POOLE, NYNEHEAD, AS AMENDED BY LETTER DATED 30TH JANUARY 2009 WITH ACCOMPANYING DRAWING NO 08/114/02 REV A**

314621.121727

Full Planning Permission

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## **PROPOSAL**

The proposal is for a mixture of 2 and 3 bedroom two storey houses, all of which are proposed to be for rent. Proposed materials are brick walls and tiled roofs. The applicants accept that the proposal would not comply with the exceptions policy, H11. However they contend that there is a shortfall in housing land, there only being a three year supply, falling short of the 5 year supply required by policy. They contend that sites such as the one proposed would assist in meeting this shortfall and should be considered favourably, as supported in PPS3. Access will be from the road leading to Poole. 34 parking spaces are proposed.

The application was accompanied by a Transport Assessment, Noise Survey, Assessment of Housing Land Availability, Environmental Study, Ecological Report and a draft Section 106 Agreement (securing the affordable housing). The Transport Assessment concludes that the proposed residential development is unlikely to have any demonstrable detrimental impact on the local highway network.

## **SITE DESCRIPTION AND HISTORY**

The site measures 0.45 ha and was previously the site of 11 cottages, long since demolished. The site is currently open scrubland, having been largely cleared of the previous trees and shrubs. A previous application for the erection of 11 dwellings was refused in 1978.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*Nynehead Parish Council* - No objection, subject to the Poole road being widened, consideration being given to changing the traffic priority at the junction and the access being moved onto the Nynehead road. A lower number of houses would be acceptable.

*Somerset County Council - Transport Development Group* –

*Drainage Engineer* - Note that surface water is to be disposed of via a Sustainable Urban Drainage System (SUDS). However, no details of this proposal have been

included in this submission. A comprehensive surface water disposal system should be designed and agreed.

*Leisure Development Manager* - The application does not take Policy C4 into account in its design or in the proposed Section 106 Agreement. A contribution of £1,023 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1,785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked.

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

#### *Network Rail* -

##### FENCING

This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 metre high trespass resistant fence be erected parallel to but separate from the railway fence.

##### DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

##### SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on [opewestern@networkrail.co.uk](mailto:opewestern@networkrail.co.uk) before works begin.

##### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

##### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

##### LANDSCAPING

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

##### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

## PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

*Heritage and Landscape Officer* - Although not used for agriculture at present, the site lies in open countryside and would be contrary to Policy EN12. The proposals offer little opportunity for landscape mitigation and would therefore be seen as stark in the landscape.

*Wellington Town Council* - (adjoining Parish) There is sufficient demand for this type of housing in the area. It would be close to the Cades Farm development and would be a suitable site for affordable housing.

*West Buckland Parish Council* - (adjoining Parish) Site in open countryside not adjacent to an existing settlement; unsustainable location; highway safety concerns such as lack of footways in area; and proximity to railway and the effect of noise.

*Housing Enabling Manager* - Does not support the application on the basis that there is insufficient need in the immediate location and surrounding parishes for this particular application. There have been two applications submitted for the area totalling 39 homes on both schemes, therefore unable to support this application.

*Forward Plan & Regeneration Unit* –

*Principal Environmental Health Officer - Noise & Pollution* - **Re Noise**

The applicant needs to consider noise issues as the site is adjacent to the railway line and the road to Poole industrial estates and civic amenity site.

The application included a noise assessment of the site:

Nynehead Road, Poole, Wellington PPG24 Noise Assessment. December 2008. WSP Acoustics.

Monitoring carried out as part of this assessment indicate that the site falls within Noise Exposure Categories B and part of it within NEC C (PPG24).

PPG24 states that for NEC C “Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”. And for NEC B “Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise”.

Therefore, if the development is given permission I would recommend a condition re noise:

The information that has been submitted with the application could be used to meet parts of the condition.

The best way to minimise disturbance from noise on a development is to take the noise source into account in the layout and design of the site. It is best practice for a site to

be designed so that noise sensitive rooms face away from the sources of the noise where practical and the buildings themselves can be used to screen other parts of the site. This does not appear to have been done on this site, as a number of houses have bedrooms and living room windows facing the railway line and the gardens are adjacent to the railway embankment. Also, the houses are very close to the road at the south of the site. As the site is small and the railway raised several metres it is unlikely that an effective acoustic barrier can be used, therefore, it is more important to consider noise attenuation in the layout of the site.

Re the noise assessment

- information should be obtained from the rail operators to check whether the train movements at the time of the survey are representative.
- Some additional monitoring of noise from the railway and the road traffic would help provide a better picture of the noise climate on site.
- The report quotes research into sleep disturbance and uses this to justify ignoring the 12 noisiest episodes during the night-time period and to select the 13<sup>th</sup> highest level as “Highest night-time  $L_{Amax}$  “, and then use this as the basis for selecting the amount of noise attenuation that is needed to achieve an indoor noise level of 45dB  $L_{Amax}$  that is recommended in the WHO guidance. This approach would mean that the maximum noise levels experienced inside the properties at night would be considerably louder than 45dB as the 13<sup>th</sup> highest measured level is 17dB below the maximum level measured on site. The aim should be to provide glazing and ventilation with the attenuation necessary to meet the level of 45dB  $L_{Amax}$  given in the WHO guidance.
- Re outdoor living areas, the report suggests that a 4m high fence could be built along the boundary with the railway on top of the “existing bund”. However, the “bund” does not extend along the whole boundary; a noise barrier needs to extend beyond the boundary of the site to be effective; a solid wooden fence is not likely to have the mass needed to attenuate noise from the railway, also Network Rail should be consulted before structures are built close to their embankment. In practice it is unlikely that the garden areas could be protected to the level in the WHO guidance.

Re potential contamination.

The application is for a sensitive land use (residential use with gardens) and the site has been built on before and is close to industrial land, including the former brickworks and landfill site. PPS23 (Planning and Pollution Control) states that for sensitive land uses the LPA should require at least a desk study assessing the previous uses of the site and their potential for contamination in relation to the proposed development. Further studies may be required depending on the outcome of this assessment. Therefore, a condition is recommended.

*Nature Conservation & Reserves Officers* - The submitted report is based on a survey of the site after the site had been mainly cleared of scrub and trees. The report concludes that dormice and breeding birds may be affected by the proposals. There is strong evidence of dormice in the area and support the recommendation that a survey for dormice (nest tube survey) should be undertaken. This survey will have to be undertaken in the summer.

*Somerset Wildlife Trust* -

## **Representations**

### THREE LETTERS OF SUPPORT

- It is a brownfield site having once been the site of houses.
- As affordable housing, it is ideal given its proximity to the Wellington Road and its frequent bus services and being perfectly feasible to walk to Wellington where there are full facilities.
- Site is ideal to provide additional affordable housing to that which is also planned at Cades Farm.
- The site is far more suitable for affordable housing than a similar application (26/08/0010) within the Parish. This site is brownfield, whereas the other is Grade 1 agricultural land.
- Cannot understand how the Housing enabling Manager could initially support this application, yet at a later date withdraw that support.
- Really beggars belief that the Deane's Housing Enabling does not support this application (rather than supporting the one at Higher Nynehead), which is only 200 yards from the old A38 and a bus stop and approached by a 2 vehicle carriageway. It is also only half a mile from Wellington and a primary school. The application at Higher Nynehead is for a similar proposal, but lies a mile and a half up poorly maintained, narrow single vehicle wide lanes, including a steeply rising, narrow single vehicle wide 300 yard long sandstone cutting which is already a dangerous environment for pedestrians, with numerous blind bends and tight corners. It is accessed across a road across a flood plain, has no regular bus service, will have no school after 2010, will see a 40% increase in traffic.
- Not rocket science to ascertain that this is a much better location for this type of development than Higher Nynehead.

### SIX LETTERS OF OBJECTION

- Density is rather too intense, the layout of the housing is cramped.
- Priority of the roads should be changed so that the Poole road has the priority rather than the Nynehead one.
- Consideration should be given to access to the site being from the Nynehead Road and the provision of a footpath up to the Wellington Road.
- The site is outside the Structure Plan and is not an exception site.
- Totally unsuitable for such a busy trading estate full of HGV vehicles and the amenity disposal site. Over 40 HGV vehicles move in and out of the estate, some 24 hours.
- The access to Poole industrial estate is narrow and 2 HGV vehicles are unable to pass for the first approx 400m. HGV vehicles regularly queue up on the very busy Nynehead road causing major disruptions at the T-junction. The Nynehead road has the very narrow bottleneck of the railway bridge.
- Forming another entrance in this location is another accident waiting to happen, which could involve children. There is a health and safety issue here.
- Totally out of keeping with the area when there are more suitable sites at the village of Nynehead and at Cades Farm.
- The railway line is just a wire fence away.
- The Noise Survey of the site was carried out during a 24 hour period when the railway line was closed for overnight maintenance.
- The copse was cleared, destroying the flora and wildlife(including foxes, badgers and nesting birds prior to the Nature Survey being carried out.

Question why the site was cleared before the Survey was done.

- Unacceptable increase in traffic.
- Can Nynehead really sustain an extra 19 houses, plus 20 proposed opposite the village hall and development at Cades Farm.
- No children's play area, inevitably forcing them to play onto the extremely busy and dangerous junction or on the dangerous industrial estate.
- It is an abandoned site – the historic use of the site for housing is of no relevance.
- The Noise Survey shows that the houses will need to keep their windows shut for most of the time due to noise generated by the trains and the traffic in the area.
- Inadequate parking, with limited visitor parking and no chance of being able to park off site due to the narrow roads surrounding the site.
- Not likely that the houses would fall within the bracket of affordable housing due to the high costs involved in providing sound insulation, the provision of a footpath and the building of a bund and 4 metre high fencing.
- No evidence of any proven need for housing on the site. Provision is being made on the Cades Farm site and this is a far better location.
- Detrimental effect on visibility of drivers travelling in the Wellington direction from Nynehead and at the junction from Poole.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP33 - S&ENP - Provision for Housing,  
S&ENPP35 - S&ENP - Affordable Housing,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H11 - TDBCLP - Rural Local Needs Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in considering this proposal are the policy considerations, need for affordable housing, amenity impact, access and sustainability in terms of the location.

The site is outside any settlement and furthermore is not adjacent to any recognised settlement boundary. Consequently the site is subject to the full weight of restrictive policy regarding development in the countryside. It would not comply with the exceptions policy, H11, and the applicants accept this. National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clearly states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. They do however contend that there is only a 3

year supply of housing land available and therefore the proposal should be allowed in order to help towards establishing a 5 year supply. However, the lack of a 5 year supply of housing land only applies to the Taunton area and the proposal is therefore inappropriate on open countryside policy grounds.

Following the concerns expressed by the Nature Conservation Officer, a revised site layout plan has been submitted which now indicates a dormouse corridor to the north and east boundaries of the site.

The Noise Assessment submitted with the application concludes that in order to be suitable for residential development, mitigation measures will be required. Higher rated double glazing would be required on certain parts of the site and noise sensitive external areas, such as gardens, can be protected from road and rail traffic noise by the use of acoustically rated fencing (4m high along the northern boundary of the site). The applicant has confirmed with Network Rail that there is nothing to suggest that anything other than the normal timetabled service was operating on the two days of the survey.

The site is in open countryside divorced from any recognised settlement and its development is clearly unacceptable for the various reason set out below.

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

Recommended Decision: Refusal

- 1 Development in the countryside not adjoining a recognised settlement and harming the rural character of the area contrary to Taunton Deane Local Plan policies S1, S2, S7, H11 and EN12 and unsustainable location fostering the growth in the need to travel contrary to advice in PPG13, RPG10, Somerset & Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1.
- 2 The proposed development does not immediately adjoin any recognised settlement and as such would create a form of unacceptable sporadic development in the open countryside. The proposal would harm the rural character and appearance of the area and be contrary to the provisions of Taunton Deane Local Plan policies S1, S2, S7, H11 and EN12.
- 3 The occupiers of the development are likely to be reliant on private vehicles and such fostering the growth in the need to travel would be contrary to advice in PPG13, RPG10, Somerset and Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1.
- 4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have an adverse impact on the residential amenity of the future occupiers of the properties due to the incidence of noise from the adjacent railway line or that the measures proposed to alleviate such adverse impact would not have a detrimental impact on the visual amenity of the area. (Taunton Deane Local Plan Policies S1 and S2)

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

Notes for compliance

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

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