

26/09/0010

MR LING

ERECTION OF 7 NO AFFORDABLE DWELLINGS ON AGRICULTURAL LAND OPPOSITE VILLAGE HALL, NYNEHEAD (REVISION OF 26/08/0010)

314515.123011

Outline Planning Permission

PROPOSAL

The application is in outline. The proposal provides for 7 affordable dwellings - 2 one-bed flats, a terrace of 4 two-bed houses and 1 detached three-bed house. Visibility splays of 45 metres in each direction are proposed at the point of access. The applicants did request a new Housing Needs Survey to be carried out by the Community Council, but the Parish Council did not agree to this. Surface water drainage is to be taken to an irrigation lake a few hundred metres from the proposed development. Foul drainage will be connected into the existing Wessex Water system. It is proposed that street lighting would be provided to SCC standards.

The application was accompanied by an Ecological Assessment.

SITE DESCRIPTION AND HISTORY

A previous proposal for 20 dwellings was refused by the Planning Committee in February 2009 and a subsequent appeal dismissed. A copy of the appeal decision is attached to this Report. The Inspector considered that the main issue was whether there is an identified local need for the housing which is sufficient to warrant this new development in the countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants. He noted that Nynehead is a small rural settlement with little by way of facilities to meet peoples' day to day needs. He had no doubt that the residents of the village depend largely on cars for travel to work and shops. He considered it unlikely that the increase in population would be sufficient to make a village shop viable or to warrant a significant improvement in the frequency of the bus service. As the occupants of the dwellings would be heavily reliant on the use of cars, he considered that the development would be unsustainable and contrary to national and local policy. He went on to note that as the site was in open countryside, there was a general presumption against new development, other than in particular circumstances, eg where there is a proven local need for affordable housing, in accordance with policy H11. In coming to the conclusion that the proposal failed to satisfy the requirements of policy H11, he took into account that evidence of local need was limited to information obtained from the council's housing waiting list, rather than from an up to date survey of housing needs. He considered that there was not an identified local need for the housing which was sufficient to warrant the development in open countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants.

The site consists of part of a slightly undulating area of agricultural land with a boundary hedge fronting the road. The site is slightly above the level of the highway

carriageway.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - These comments are generally in line with those provided for the previous application, but reiterated for consideration as part of this latest proposal.

The site lies outside any recognised development limits, where it is remote from services and facilities, and is considered unsustainable in terms of transport policy. The proposal is contrary to the aims of PPG13 and RPG10 and is contrary to Policies STR1 and STR6 of the Structure Plan.

I believe that the housing is proposed as affordable to meet an established local need. As such it must be a matter for the Local Planning Authority to determine if there is an overriding need that would outweigh the sustainability concerns raised.

If there is no overriding need established, the Highway Authority would recommend that this application be refused on sustainability grounds.

The following observations are made without prejudice to the sustainability issue, and deal only with technical detail of the proposal.

The highway approaches to the site are generally narrow, poorly aligned, and have sub-standard junctions. There is a single recorded Personal Injury Accident in the location of the site within the last five years, involving a collision between a taxi and an agricultural vehicle. Whilst this is a consideration in determining this application, it may be possible for the developer to offer improvements to the highway, given the length of the site frontage, to assist in avoiding the re-occurrence of such an incident in the future.

The proposed 7 dwellings will lead to an increase in traffic movements through the settlement; however I do not feel that there is a problem with capacity on the highway network, and vehicle movements will be split between the three main exits from the village.

The development suggests improvements locally to the highway in terms of visibility from the proposed access, and improvements to the alignment of the junction north of the site, close to Roundoak Gardens. This will be of benefit to all road users, although as with the last application, the Highway Authority recommends that forward visibility is also provided through the bend on the site frontage, which is not shown at this time.

The site is accessed from the classified carriageway that runs through Nynehead. Whilst there is no restriction on the speed of traffic through the settlement, vehicle speeds are contained by the nature of the carriageway. It is my observation that this speed is in the region of 30mph as it passes the site, and as such the appropriate guidance for the design of the access should be taken from Manual for Streets.

The proposed estate road, turning facilities and parking provision would appear to be generally acceptable, however the scheme would appear contrived to fit, and the Planning Authority may take a view on the scheme as proposed.

Despite comments on the previous application regarding the appropriateness of formal footways in isolation, it is noted that they remain in this scheme. This facility will need to be given careful consideration as part of the safety and technical audit process should consent be granted.

Given all of the above, if there is a need for the development that outweighs the Highway Authority recommend of refusal on sustainability grounds, then the following conditions should be attached to any consent:

- The proposed estate roads, footways, footpaths, tactile paving, , verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- Insufficient The proposed roads, including 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 footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.
- Before works commence on the development hereby permitted, details the off-site highway improvements (including provision of forward visibility through the bend opposite the village hall and improvements to the junction north of the site) shall have been submitted to and approved in writing by the Local Planning Authority. These works shall be completed in full to the satisfaction of the Local Planning Authority, in accordance with a specification that will have been agreed before the development is first occupied.

NYNEHEAD PARISH COUNCIL - The provision of a small amount of housing to meet local needs would be in the interests of the village as a whole.

DIVERSIONS ORDER OFFICER - no observations to make.

DRAINAGE ENGINEER - Note that disposal of surface water run-off is proposed to connect to an existing lake. Details of a SUDs proposal for discharge shall be agreed together with details of its long term maintenance agreement before any approval is given.

HOUSING ENABLING MANAGER - Supports this application on the basis of need

shown on the Homefinder Somerset Scheme. There is no current housing need survey information available to refer to. Cannot comment on any planning issues.

WESSEX WATER - The development is located within a foul sewer area. Points of connection for this 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.

NATURE CONSERVATION & RESERVES OFFICERS - The site consists of part of an improved agricultural field with a roadside hedge on a bank. The hedge is not continuous, has been significantly restricted by flail cutting and has a large gap in its centre. The site is surrounded by intensive farmland with no significant stands of woodland within 1 km of the site. There are no mature trees on the site. The survey concluded that the hedgerow and bramble offer some potential nest sites for birds but that the hedge is unsuitable for dormice and is unlikely to be productive for foraging bats. There are no signs of badger activity on the site. Consideration should be given to installing bird nesting and bat roosting boxes around the site. Any hedgerow removal should take place outside the nesting season. The hedgerow should be surveyed for protected species prior to removal. Recommends conditions re timing of clearance works and further survey if delay to start. Advisory notes re nesting birds and badgers.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings. 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.

HERITAGE AND LANDSCAPE OFFICER - The site is in open countryside and not well related to the village and in my opinion contrary to Policy EN12. The visibility splay requirements are likely to require considerable hedgerow to be removed, which would have considerable landscape impact, EN12, and contrary to Policy EN6.

STRATEGY TEAM - I write further to the recent application referred to above. The proposal involves the development of an unallocated site beyond the defined limits of the village of Nynehead. Outside of established settlement limits strict control is usually applied to planning proposals unless the scheme satisfies one of the exceptions specified by the Local Plan. The proposal for a solely affordable housing scheme should principally be considered against the Local Plan exceptions policy: H11.

Notwithstanding the issue of compliance with policy H11, the proposal also needs to be considered within the framework of wider planning policy both at a national and local level. As the recent appeal decision relating to this site states, residents of the village *'depend largely on cars for travel to work and to shops.'* As part of the appeal, the Inspector considered whether or not the size of the original scheme (for 20 not 7 units) which would substantially increase the population of the village would thereby result in a local shop being viable or improvements to public transport being made. His view was that this was *'unlikely'* and therefore: *'Occupants of these dwellings would be heavily reliant on the use of cars and, in these terms, the development would be unsustainable and contrary to national (PPS1) policy. It would also conflict with Policy S1 of the (2004) Taunton Deane Local Plan.'*

Given that the proposal is now for 7 dwellings, the County Council has resolved to close the school and there are limited facilities within the village, the proposal would run contrary to both national and local policy in the form of Policy S1 of the Local Plan which sets overarching principles for sustainable development within Taunton

Deane. Criterion B of Policy S1 states:

The accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to travel

Turning to compliance with Policy H11, in the absence of a local housing needs survey being undertaken, there is insufficient evidence to support the need for the proposal. As such the proposal does not fulfill the provisions of the policy. At the recent appeal, the Inspector acknowledged that whilst there is an 'urgent need' for affordable housing in the Borough, for the purposes of the appeal: 'evidence of local need is limited to information obtained from the council's housing waiting list, rather than from an up to date survey of housing needs.' The Inspector went on to conclude that the proposals fail to satisfy the requirements of Policy H11.

Representations

26 LETTERS OF OBJECTION

1. Vehicular access and highway safety through The Hollow and centre of village, parking and blind spots;
2. No amenities, school, shop and no effective public transport;
3. Layout plan makes additional staged development on this site a real possibility.
4. Various references to Appeal Decision on previous application for 20 dwellings and consider that that decision sets a relevant precedent for determining the current application, which is sufficiently similar in detail to the preceding application to apply in this case also:-
 - a. Occupants of the dwellings would be heavily reliant on the use of cars and the development would therefore be unsustainable;
 - b. General presumption against new development in open countryside other than in particular circumstances, eg where there is a proven need for affordable housing;
 - c. Proposals fail to satisfy the requirements of PPS1, Structure Plan policies STR1 and STR6 and Local Plan policies S1 and H11;
 - d. Revision to PPS3 states that low cost market housing is no longer eligible for inclusion in the development of rural exception sites;
 - e. Conclusion that there is not an identified local need for the housing which is sufficient to warrant this new development in the open countryside, given the general policies of restraint which apply here and the level of services and facilities that would be available to the dwellings' occupants.
5. Volume of traffic.
6. Applicant accepts in his submission that the route through The Hollow can be a potentially dangerous route;
7. Applicant acknowledges that even if there is regular public transport available it will not necessarily stop residents using their cars;
8. The proposed development would be situated on the highest point of the village above the adjacent road and consequently stand out on the skyline, including any street lighting;
9. Whilst the Parish Council support the application, a letter of complaint has been submitted to the Standards Committee for their investigation, so until that matter is resolved the Planning Committee should disregard the letter of support from the Parish Council;

10. Neither the applicant, his agent or any persons on the alleged waiting list felt sufficiently motivated to attend the Parish Council meeting;
11. The parish of Nynehead is not a typical village, being a cluster of hamlets covering an area of 2 sq miles. The Community Council acknowledge that Nynehead is not a typical village, more a collection of spread out hamlets – they are of the view that no further attempt would be made to seek a survey on the need for social housing;
12. If it is proven that social housing is needed, other more appropriate sites should be considered, eg near the school;
13. Objectors are not nimbys but members of a rural community who value and wish to protect its rural character and its carbon footprint;
14. Recent proposals for single dwellings in the parish have been refused on sustainability / use of car grounds;
15. Ideas submitted by applicant that such a development would encourage the opening of a shop and provision of improved public transport (currently only one bus a week) are both naïve in the extreme and fanciful;
16. Access to schools in either Wellington or Oake would be through lanes which have been classified by the County Council itself as being dangerous;
17. The visibility splay would seem to be an obligatory urban embellishment, which is assumed to put to rights all pre-existing problems;
18. Lanes through the village are treated as rat runs by commuters, users of Oake golf course and private and commercial vehicles accessing the waste disposal facilities and industrial premises at Poole;
19. Maintenance and repair of the lanes and their drainage system has declined markedly in recent years;
20. Frequent flooding on the roads leading to the site;
21. If plan goes through, will be another example of the greed of a small minority blighting the lives of the majority;
22. Precedent for all manner of inappropriate development in and around the village;
23. The site is best and most versatile agricultural land outside the village limits;
24. There are no existing houses adjacent, despite what is said in the applicant's submission;
25. With regard to the housing need – there are only people who have a 'desire' to live in the village;
26. Adequate social housing already exists in Nynehead;
27. The significant increase in traffic goes against Government policy in reducing the country's carbon footprint;
28. Construction of visibility splays would result in the huge destruction of important hedgerows and trees that are currently teeming with wildlife;
29. Query why the village needs another play area;
30. Re street lighting – would prefer that the village remains in darkness at night and therefore does not contribute to the orange glow that blights our country at night;
31. It has not been satisfactorily demonstrated that there is a need for the proposed dwellings;
32. Query the Parish Council resolution that 'provision of a small amount of housing to meet local needs would be in the interests of the village as a whole'. Why, when there was such overwhelming objection at the meeting, has the Council recommended approval? The Parish Council's decision should be ignored or at least reviewed;
33. Re housing need, no information has been forthcoming as to whether those in need are the same as those who appear in neighbouring parishes. Previous

cases have shown an average take up level of 30% by the people on the waiting list actively. Converting this number in this case equates to a potential figure of converted demand being two;

34. Previous proposal was opposed by the Parish Council;
35. Dramatic increase in the number of large agricultural vehicles now using the narrow lanes;
36. The wildlife survey submitted with the application is inaccurate, flawed and of no significant value;
37. Would result in the loss of two trees on road frontage in order to provide the required visibility splay;
38. Query Leisure Development Team's requirement for provision for play and active recreation when such provision has been deleted from the current proposal and previous indication that recreation facilities within the village were adequate;
39. There is no existing irrigation lake locally for surface water drainage, as stated in the submission;
40. Affordable housing need could be catered for at the Cades Farm development and other sites adjacent to Wellington;
41. There is very limited employment within the village;
42. The proposed site has drainage problems after heavy rain;
43. The Village Plan showed no need for affordable housing from village residents;
44. The number of dwellings proposed is far too high and would represent a 10% increase on housing in this area;
45. Increase in traffic would be a danger to walkers and cyclists as well as car users;
46. Properties available for rent in Wellington which are standing empty;
47. Exit onto fast stretch of road with no speed limit, which tempts drivers to accelerate after frustrating narrow lanes;
48. The social balance in this section of the village would be artificially affected;
49. Representatives of the Council's Housing Department told an earlier meeting of the Parish Council that there could be no affordable housing development without a housing needs survey. The fact that the Parish Council decided against undertaking such a survey is unfortunate. However that does not alter the fact that without a housing needs survey the present application is premature and lacks proven housing need;
50. If viewed favourably, there should be conditions to allow for the proper regulation of construction traffic in then immediate locality and provision of a footpath around The Hollow to allow for safe pedestrian access;
51. There is no gas supply in the area, which would be the most economical energy supply for affordable housing;
52. Proposal appears to encourage the use of the car;
53. More nutrients will be washed away from the land, reducing the fertility of the land and the crop output and so the economics of the village;
54. Less need for the housing now compared to when the previous scheme was being considered as the final decision has now been taken to close the school;
55. When two Council dwellings in Higher Nynehead recently became vacant, the new residents chosen were not villagers;
56. Relative to its small rural population, Nynehead has already seen over recent years a substantial number of new houses through infill development and the conversion of numerous farm buildings into dwellings;
57. After passing through the narrow enclosure of The Hollow, the opening up to

- distant vistas forms an important part of the rural character of the area;
58. Proposal is an entirely unwarranted intrusion into the countryside;
 59. Additional traffic from the proposed development will create a greater risk of an accident at the Nynehead / Poole junction.

TWO LETTERS OF SUPPORT

1. With nearly all the council houses sold, there no housing in the main body of the village available to the younger families;
2. People growing up in the village all have to leave due to the lack of housing – school is closing due to this reason;
3. Many of the village events are organised by an aging population – without young blood, the village will be in danger of becoming a second holiday home or retirement village;
4. The young should not be forced to live in the town;
5. The reduction from 20 houses to 7 is appropriate and now renders the development a reasonable size for the village;
6. A housing needs survey certainly would have helped to clarify the situation and should have been pursued when recently offered. This should now be done as a matter of urgency. It should be used to inform the final decision.

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&ENPP1 - S&ENP - Nature Conservation,
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,
M4 - TDBCLP - Residential Parking Provision,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in open countryside, outside the designated settlement limits of Nynehead, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure (STR6, 5) and Local Plan Policies (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. .

Policy H11 is paramount in the assessment of the application and requires an exceptions site to accord with the following criteria:

'As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing

would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
- 1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation.
 - 2) Newly formed households living or including someone employed in the parish or adjoining parishes;
 - 3) Households including dependants of the households living in the parish or adjoining parishes; or
 - 4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with policy H2.

These criteria were also considered with the previous application, which was refused and the subsequent appeal dismissed. The main difference between that previous application and the current one is the reduction in the number of dwellings from 20 to 7. Whilst the support of the Housing Enabling Officer again is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11. This requires evidence of local need. The Inspector who considered the Appeal into the refusal of the previous application noted that the justification for that proposal was limited to information obtained from the Council's housing waiting list, rather than from an up to date survey of housing needs. It is considered that in order to demonstrate accurately the local housing need reflecting the requirements of the policy, a survey should be carried out by a body such as the Community Council, in conjunction with the Parish Council. Policy H11 does not allow indiscriminate development of dwellings in the open countryside. The site and the proposed positioning of the dwellings does not relate particularly well to the existing housing development pattern and furthermore leaves a gap and sets a precedent for further future potential development. The policy criteria of H11 also refers to proposals as being 'small'. Although the reduction from 20 to 7 brings the proposal more into line with the policy in this respect, 7 dwellings in relation to Higher Nynehead may still not be considered to be small and still disproportionate to the size of the village.

The applicant is indicating that, whilst accepting that there is a minimal bus service, he understands that if the demand increases significantly, the bus company will increase the service. Again, there are no local shops, but it is hoped that an increase in demand will encourage the opening of a local shop. However the Inspector who considered the Appeal against the previous application for 20 dwellings considered that it was unlikely that the increase in population would be sufficient to make a village shop viable or to warrant a significant improvement in the frequency of the bus service. Since the refusal of the previous planning application,

the County Council has made its final decision with regard to the closure of the village school. This leaves the village hall as the only facility which justifies its status as a village. The previous Inspector considered the limited level of services and facilities in the village and that that proposal would be unsustainable, with residents being heavily reliant on the use of cars for travel to work, shops and services. The same would be true of the current proposal.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

1. The proposed development fails to accord with the provisions of Local Plan Policy H11 considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11 and guidance contained in Planning Policy Statement 3.
2. The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to PPS7, STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and S7 of the Taunton Deane Local Plan.
3. The site is located outside the confines of any major settlement in an area that has very limited public transport and other services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

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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