

OUTLINE APPLICATION FOR ERECTION OF 7 AFFORDABLE HOUSES AND 2 AFFORDABLE FLATS ON (AMENDED SCHEME TO 42/2008/002), DIPFORD COTTAGE, DIPFORD ROAD, TRULL

320754:122181

Outline Planning Permission

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PROPOSAL

The proposal seeks outline planning permission for the erection of nine affordable units with associated parking and access. As the application is for outline permission, indicative plans have been submitted to show how the proposed development is envisaged. The layout is for a pair of semi-detached cottages, a group of two flats and a 3 bedroom cottage and a row of four terrace houses. The dwellings are all two storey with a simple design, with 2/3 bedrooms. The proposal is for 2 x 2 bed flats, 1 x 2 bedroom house and 1 x 3 bedroom house for renting and 2 x 2 bedroom and 3 x 3 bedroom houses for sale at a discounted rate capped at 70% market value. Access is proposed to run from the west of the frontage of the site, perpendicular to the rear of the site, where two car parking spaces per dwelling are proposed. There is amenity space to the front and rear of each house plot, and each dwelling has a pedestrian access at the front.

A housing needs survey was submitted with the application, which was carried out by Trull Parish Council and the Community Council for Somerset's Rural Housing Enablers. In summary the survey found that 18 households have a need for affordable housing in Trull Parish. There has been a follow up survey carried out by Falcon Rural Housing which identifies a specific need of 9 units within the parish from the earlier survey. An assessment has also been made assessing the suitability or availability of 25 other sites.

SITE DESCRIPTION AND HISTORY

The site is approximately 0.3 hectares and is located to the west of Trull, and 3km south west of Taunton Town Centre. The site is currently vacant and was previously probably an orchard. The nearest settlement is Trull, which has a limited range of facilities and the local public transport services are infrequent. Previous permission for 8 affordable houses was refused in May this year on grounds of sporadic development in the countryside contrary to policy and detrimental to the character and appearance of the area, overdevelopment out of keeping with the properties in the area and reliance on the use of private vehicles fostering the growth in the need to travel contrary to policy.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE OFFICER: The proposed development will have a detrimental impact on the rural character of the area contrary to EN12. If however the proposal is recommended for approval the suggest further reinforcement of the northern boundary to maintain a strong countryside edge to the development. The existing proposals have a two non hedgerowed areas to the east and west of the northern hedgerow that should be filled. Otherwise detailed landscape proposals and protection of existing trees should be provided.

NATURE CONSERVATION OFFICER: The ecology report identified apple trees that are suitable for bats to roost; badgers traverse the site and although no setts were found it is possible there are setts concealed within scrub; birds may nest in vegetation on site. Other protected species have been discounted due to lack of suitable habitat and connectivity. I support the recommendations in the executive summary and in addition advise that any trenches on site are covered or have ramps to allow animals such as badgers to escape. In applying PPS9 and because potential bat roosts may be lost I recommend future provision for birds to nest and bats to roost should be a requirement planning permission - eg. appropriate boxes.

DRAINAGE OFFICER: I note SUDS techniques are to be employed in the proposal. A condition should be attached to any approval given that no works commence until a comprehensive surface water drainage system has been approved by the Authority. With regards to foul drainage I note a private sewage treatment plant is proposed. The EA should be consulted on this matter as their consent to discharge to an underground strata is required and this again should be a condition of any approval given.

HOUSING OFFICER: The Housing Enabling Manager fully supports this application for 9 affordable homes. As a result of the housing need survey the need is established. Whilst it is difficult for some to accept new development in a rural area these homes are for local people who are already there or have a close local connection. This development will go some way towards reducing the current need.

LEISURE DEVELOPMENT MANAGER: In accordance with Policy C4 provision for play and active recreation must be made. A contribution of £1023 for each dwelling should be made for the provision of facilities for active outdoor recreation and a contribution of £1785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked and spent in locations accessible to the occupants of the dwellings.

FORWARD PLAN UNIT: This proposal involves the development of an unallocated greenfield site beyond the defined limits of a settlement, where there is strict control of new development.

New housing is not normally permitted unless it meets one of the limited number of exceptions to the policy of strict control. One of those exceptions is in relation to affordable housing needed to meet local needs (TDLP policy H11). The policy only applies to villages and rural centres, and although Trull is a village, in planning terms it is an 'associated settlement' in view of its being linked to the built-up area of Taunton. However, for the purposes of the current proposal policy H11 provides an appropriate starting point for the consideration of its merits. The policy contains a set of criteria against which proposals for exception sites for affordable housing should be considered. However, it also states categorically that such sites should be either within or adjoining the identified limits of a village or rural centre. The application site does not do so, as it is located several hundred metres from the nearest point of any settlement limit. It therefore fails to meet this basic requirement, which is designed to ensure that such proposals are well-related to existing development and local facilities.

If the proposal were to be considered against the five criteria of the policy:

- (A) Requires evidence of local need for affordable housing. This appears to have been met by the Housing Needs Survey which has been conducted in Trull parish.
- (B) The applicant's supporting statement contains an analysis of alternative sites, which suggests that a large number of potentially more appropriately-located sites are either not suitable or not available, although issue could be taken with some of the assumptions made.
- (C) Should be satisfied, through the involvement of Falcon Housing Association on the social rented units and suitable arrangements secured through a S106 Agreement for the discounted market homes.
- (D) No high value housing included.
- (E) An issue for detailed consideration by the Development Control case officer.

In summary, the proposed location is inappropriate in relation to the delivery of sustainable development, in that it is remote from local services and facilities and does not enjoy convenient access to public transport facilities. It is likely, therefore, to result in increased travel which is more likely to be made by private car. However, the delivery of affordable housing to meet the substantial and increasing scale of local need is a high priority in planning terms, and for the Borough Council from a corporate perspective. Some evidence has been submitted to demonstrate the difficulty in finding sites for such housing in the locality in the short term. In reaching a decision, due weight should be given to this factor, and a careful assessment made of how this compares to the degree and scale of conflict with planning policy.

COUNTY ARCHAEOLOGIST: There are no archaeological implications to this proposal and we have no objections on archaeological grounds.

WESSEX WATER: The site is not in a Wessex sewered area and the developer has indicated disposal to a package treatment plant. The disposal of surface water is to sustainable drainage system and soakaways. It is advised you be satisfied with the arrangement for the disposal of foul and surface water flows generated by the development. There is a water main in the vicinity and a point of connection can be agreed at detailed stage. The developer should check with Wessex Water concerning uncharted sewers or mains.

CIVIC SOCIETY: The Civic Society object and do not consider the changes improve the scheme in any significant way and they make no difference to our reasons for objection. This greenfield site is outside the settlement boundary. Car use is very likely to increase. The development proposed is quite intensive for a rural setting and will harm the character of the area. As it does not adjoin the settlement of Trull it cannot be justified under policy H11. Despite the claim of the Design and Access Statement we consider that Appendix 3 of the document simply illustrates that much more suitable sites may become available and that this site is one of the least suitable. Residents would drive to and from the site not only for convenience but for safety reasons: the site is near a bend, a road on which traffic can be quite fast, unlit for much of the way into Trull with an inadequate footway. This footway is not safe now and hedge trimming would not make sufficient difference to its width to make it safe. In any case it cannot be widened where it runs along the garden wall of Dipford House and the last sentence of 9.2 in the Design and Access Statement is patently untrue. The site thus fails policy H9(C). The unsustainable proposal is exactly what RPG10 (and the RSS now approaching completion) and current central government guidance seeks to avoid - a development that will generate additional traffic. In fostering the growth in the need to travel it is in direct conflict with Somerset & Exmoor National Park Structure Plan saved policy STR6. Quite simply the site is inappropriate.

COUNTY HIGHWAY AUTHORITY: The proposed development site is located outside of any development limit, remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

It has been indicated within the Design and Access Statement, that the development will only be occupied by families already resident in Trull, the Planning Officer may wish to confirm if this can actually be imposed and subsequently enforced. Irrespective of where the occupiers currently live or come from, the location of the development and the lack of services, facilities outside of the recommended distances would mean that the occupiers will be reliant on private vehicles, therefore fostering growth in the need to travel. Just because an individual or family may have local links, this will not necessarily mean that the need to travel will be reduced as a result of family connections. I therefore disagree with these statements and consider that little weight should be given to them.

Notwithstanding the aforementioned comments, Policy 35 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy H11 of the Taunton Deane Local Plan, state that there are exceptions whereby 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 centre providing they meet the appropriate criteria. Therefore its acceptability from a planning perspective must be a matter for the Local Planning Authority, and whether the proposal meets this criteria set out by Policy H11. According to the application form, this is an outline proposal with all matters reserved apart from access. In detail, the proposal derives access from/onto a classified unnumbered highway which is subject to the national speed limit. No information has been submitted regarding traffic speeds in this location, however the observed speed of traffic would appear to be in the region of 40mph. Therefore the Highway Authority, would recommend that visibility at the point of access where the private access meets the public highway should be based on minimum coordinates of 2.4m x 90m in each direction to the nearside carriageway edge. There shall be obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level. Therefore it will be necessary to construct the 850mm high boundary wall fronting plots 3 and 4 behind the splay. The new footway can be widened up to the back of the splay. I would also recommend that a 2.4m back and parallel splay across the site frontage to the west given the curvature of the highway and to avoid any blind spots. This is in addition to the 90m.

It would appear that the required splay to the east may be difficult to achieve, as it will encroach onto third party land. Re-siting the access as part of this application, does not appear to have resolved this issue. Given that the proposal is located in what is considered an unsustainable area, I would recommend that the maximum parking standard be applied in this location for this development, which would equate to 2 spaces per dwelling. This provision has been set out on the submitted plan together a turning area to enable vehicles to enter and exit the site in a forward gear.

For information there is a footway (located on the opposite side of the carriageway) that links the site to the site to Trull, the nearest bus stop, local shop and school and are all in excess 400m away and outside of the target distances set out in RPG10. It has been stated under 9.4 of the Design and Access Statement, that: *"it is acknowledged the*

footpath is not of a width which would be acceptable in a new residential estate. It is however comparable to footpaths in many village and urban locations and are often used much more intensively than here. Given that it is part of the existing public highway network, if it were to be inherently unsafe as was suggested by the objectors, then it is the responsibility of the Highway Authority to address this, regardless of any development proposals”.

The footway is narrow in places making it difficult for wheelchairs or users of prams/pushchairs etc, in addition it is unlit and therefore not considered to be an ideal pedestrian route, and it is maintained to an appropriate level for its current use. Whilst the maintenance of the footpath may be the responsibility of the Highway Authority, as part of new development if sustainable transport initiatives are to be encouraged, and people are going to be expected to walk, the existing facilities need to be of a suitable standard if they are expected to be utilised or contributions made by developers to bring them up to an suitable standard. I have spoken to the Area Highway Office and there are no plans for improvements to this footpath other than surfacing works.

The following highway related comments have been made as a result of looking at submitted drawing number **3943/08**.

1. The new footways fronting the site shall be constructed to Somerset County Council specifications.
2. The proposed footway construction along the site frontage shall not impinge upon the existing carriageway width through Dipford Road, an extract of highway record is enclosed for information.
3. A Section 38 Agreement will not be required here as the site is to remain within private ownership. The Highway authority would be willing to adopt the footway fronting the site together the first 5.0m of the access road and associated visibility splays under a Section 171 Agreement.
4. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.
5. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The applicant/developer is encouraged to contact the Highway Service Manager on 08453459155 and make arrangements for such a survey to be carried out.
6. It has been noted that soakaways are to be used for draining storm water from this site. The use of soakaways is dependent upon the proven existence of highly permeable strata below the surface. In-situ percolation tests should be undertaken in accordance with the BRE Digest 365.
7. Due to the fact that the internal service road is to remain private, no surface water from the site will be allowed to drain out onto the existing public highway and vice-versa. This will depend upon finished carriageway levels. This comment also applies to the private access paths.
8. Can the applicant please advise as to how future maintenance operations of the site will be carried out?
9. The internal private footway has been widened to 1.5m as part of this proposal, which

will enable the movement of disabled pedestrians, and is in accordance with 'Dept. of Transport - A Guide to Best practice on Access to Pedestrian and Transport Infrastructure'.

10. It has been noted that private access paths will provide a direct link out onto Dipford Road. The provision of such paths sometime result in/encourage 'on street' parking within Dipford Road, however the maximum parking standards are being applied therefore there should be no cause not to use this provision.

11. Tactile paving will be required across the site entrance set out in direction of travel in accordance with 'Guidance on the use of Tactile Paving Surfaces - Dept. of the Environment and the Regions 1998'.

12. Tie into Dipford Road - Allowances shall 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.

13. The proposed 850mm high boundary wall fronting plots 5-8 can be set at the back edge of the visibility splay. Drawing **3874/07** currently shows a thin length of verge between the wall and the back of the visibility splay.

14. 'Estate Roads in Somerset - Design Guidance Notes' recommends the use of 6.0m junction radii for access roads, this has been shown for this latest proposal.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Taking the above points into consideration I would request further information is submitted addressing the issues raised above.

PARISH COUNCIL: Trull Parish Council supports the application and suggest TDBC review the access onto the highway and SCC review the speed limit in Dipford Road and consider an extension of the enforcement area.

Representations

No of Representation Received:	18		
In Favour:	3	Against:	14
		Petition:	0

15 letters of objection on grounds of Dipford lies some distance outside the settlement limit of Trull, on a dangerous bend, speed of traffic, road is very busy, road used by emergency services at high speed for access to the M5, large vehicles mount the pavement, it is particularly dangerous during rush hour and after dark, cycling is dangerous, there have been accidents here in the past, pedestrians would have to cross the road to reach the pavement, narrow footpath with no space for prams and totally inadequate for 2 people, a buggy or wheelchair, the access will not be visible to traffic from the west, the site is not near shops, the Parish school is full to capacity, flooding in the winter would be exacerbated, drainage is bad and the site is too remote from centre of the village. The planning statement is misleading as the site is outside the settlement area of Trull and there is not safe pedestrian access and no way to make it safe. There will be an increase in traffic. It would marginalise occupiers on low incomes and unable to integrate fully in the community, traffic problems at junction of Dipford and Honiton Roads; all original survey respondents did not comply with needs definition and dwelling mix does not reflect need; if occupants are already in Trull they could walk to services, however moving to this site would mean a 600 yards walk to a bus stop and services, vehicles for 9 families would be concentrated in a small area outside the village rather than scattered around the village, the road floods within 100m of the proposed site, unclear why in appendix 3 the centre is chosen when the village centre is further away. The proposal will have a landscape impact on 3 properties

across the road. It is contrary to policy H9(C), there is no pedestrian crossing to shop, post office or school, Policy H11 does not apply as Trull is not a rural village, suitable sites are conveniently dismissed, the hamlet is not in need of 9 dwellings, it will destroy the character of the area with suburban development in a rural setting. It would result in the loss of peace, privacy and cause overlooking. The previous reasons for refusal are still valid.

3 letters of support on the basis of meeting need, the site is the most suitable available, there is good access, it is adequate, while the footpath is narrow most roads don't have a footpath at all, the road could be made safer with a speed restriction.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS7- Sustainable Development in Rural Areas

Regional Planning Guidance for the South West

HO3 - Affordable Housing

TRAN1 - Reducing the Need to Travel

Draft RSS

SD1 - The Ecological Footprint

SD2 - Climate Change

H1 - Affordable Housing

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside of Towns, Rural Centres and Villages

Policy33 - Housing

Policy35 - Affordable Housing

Policy48 - Access and Parking

Policy49 - Transport Requirements of New Development

Taunton Deane Local Plan

S1 - General Requirements

S2 - Design

S7 - Outside Settlements

H11 - Rural Local Needs Housing

M4 - Residential Parking

C4 - Provision of Recreational Open Space

EN12 - 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 was considered by Members in May this year when it was refused.

The site is located in open countryside, outside of the designated settlement limits of Trull and Taunton, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure Plan (STR6) and Local Plan Policy (S7 & 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 or adjoining the village. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. The local needs assessment that was carried out to justify the type and number of dwellings proposed was carried out by the Community Council and this was further assessed by Falcon Rural Housing's own assessment. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside.

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 at the first hurdle in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. The provision of exception housing must also be accommodated satisfactorily on site without compromising the form and character of the settlement or surrounding landscape to accord with the provisions of the policy. The proposal would represent an isolated and unwarranted intrusion into the predominantly rural surroundings.

The applicant has undertaken a survey and claims the proposed site is the most suitable available of 25 other sites looked at. Other sites identified adjoin the settlement limit and are ruled out on grounds of restrictive policies such as 'green wedge'. If affordable housing need is to override policy considerations it is my view that such sites should be looked at in preference to the current scheme. Even if the proposed site were considered to be the best available, it still has to not harm the character and landscape setting of the area. The site has a frontage of over 80m along this rural road and is well outside the settlement limit and is not considered to be an infill site. It would lead to more of a ribbon form of development in this rural location thereby detracting from the character of the area which is of sporadic housing. The harm to the area's character and the sustainability issues of the location are considered such to outweigh the housing need to be met in this instance.

The proposal would provide for 9 new dwellings sited in a row set back from the road frontage. The illustrative plan shows the properties set back approximately 16m from the wall of the properties opposite. The new properties would be set at a lower level than the existing and while there will be a loss of outlook and an impact on the amenity of the existing properties. However loss of view is not a reason to object and it is not considered that this relationship would cause such as loss of amenity through overlooking and loss of privacy to warrant refusal.

The proposal has been submitted with a wildlife survey of the site and the Council's Nature Conservation Officer recommends mitigation conditions for birds and bats as well as for badgers during construction. The Leisure Manager has identified a need for play and recreation facilities as a result of the development in accordance with policy C4 and has requested the provision of a contribution as part of a Section 106

Agreement should a permission be granted.

The County Highway Authority expresses a concern over the sustainability of the site, as occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs – such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10. The footway that links the site to Trull, the nearest bus stop, local shop and school are all in excess of 400m away and outside the target distances set out in RPG10. Furthermore the footway is narrow in places making it difficult for wheelchairs and prams/pushchairs etc, and it is unlit and therefore not considered to be an ideal pedestrian route. The Highway Authority also raise concern over the achievability of the visibility splays.

To conclude, it is considered that development does not accord with the provisions of Policy H11 for the reasons outlined in the report and should also be regarded as unacceptable from a landscape viewpoint and on sustainability grounds and in policy terms and it is not considered that the objections to development here are outweighed by the affordable housing need.

RECOMMENDATION AND REASON(S)

Permission be REFUSED for reasons of development in the countryside not adjoining the settlement and harming the rural character of the area contrary to Taunton Deane Local Plan policies S1(D), S2(A), 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(B).

The proposed development does not immediately adjoin the settlement of Trull 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(D), S2(A), S7, H11 and EN12.

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(B).

RECOMMENDED CONDITION(S)

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

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