

Officer Report on Planning Application: 14/01639/OUT

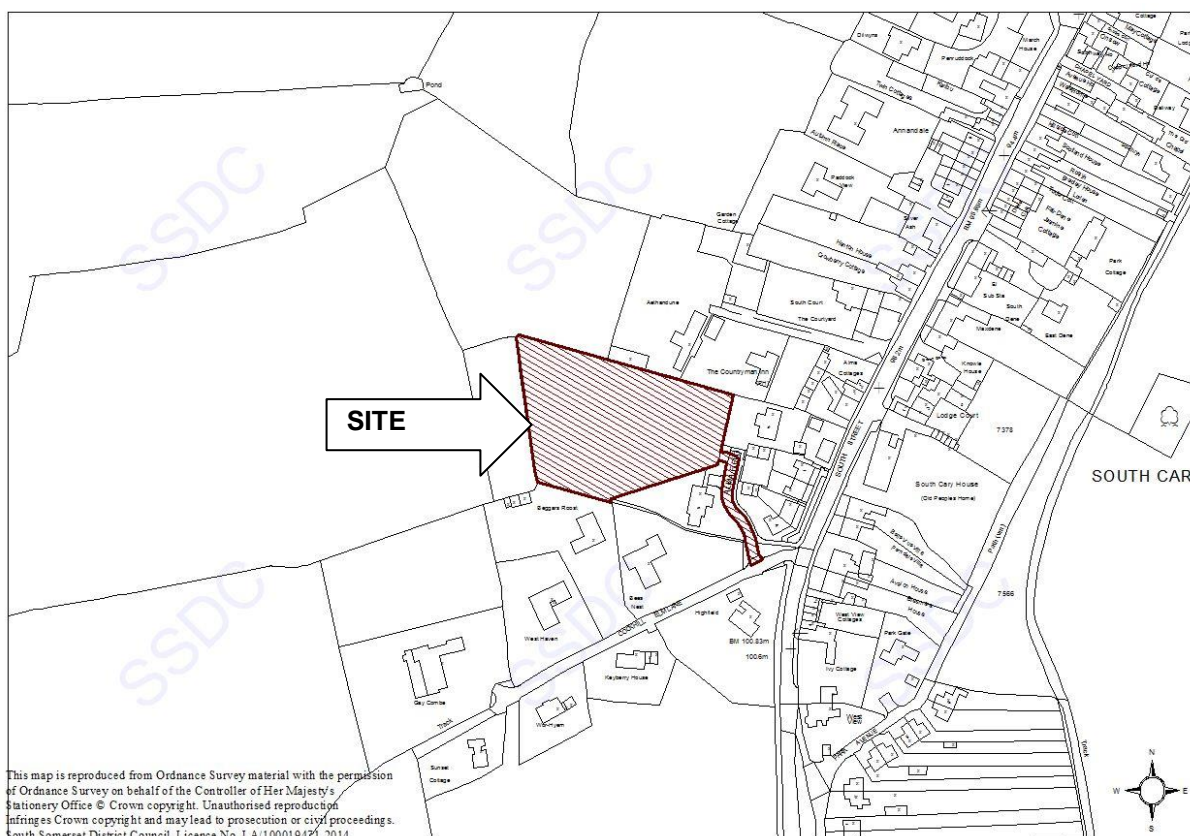
Proposal :	Residential development of land for 3 dwellings (GR 363659/131711)
Site Address:	Land To The Rear Of Alma Field South Street Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	4th June 2014
Applicant :	The Lady K Hobhouse Will Trust
Agent:	Brimble Lea And Partners Mrs Janet Montgomery Wessex House, High Street, Gillingham, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

SITE DESCRIPTION AND PROPOSAL





The application site is agricultural land that forms a field that is adjacent and mostly outside the development boundary that is aligned at this point across the front (eastern) part of the site to include the area of the field gate and the dwelling known as 5, Alma Field that lies to the south of this. Castle Cary is designated a local market town in the local plan and is a sustainable settlement (policy SS1 of the emerging local plan). The site lies some 800 metres to the Horse Pond in the town centre.

The proposal seeks outline planning permission and in particular the principle of residential development, with all matters reserved; namely, Access, Appearance, Landscaping, Layout and Scale.

The original application has been amended to reduce the number of dwellings from 5 to 3 (the land extends to 0.36Ha.), and the indicative layout plan has been removed and not replaced. The access point is proposed to be taken through Alma Field, via the existing field gate.

The application was submitted with a Planning Design and Access Statement.

RELEVANT HISTORY

871777 - Outline: Erection of 18 detached dwellings. Refused and Appeal dismissed 6.03.1989. (OFFICER NOTE: This included land within the current application site as well as the land between this and South Street.)

890335 - Outline: Ten dwellings and garage. Refused.

Later applications were made for between 7 and 6 dwellings on the land between the current application site and South Street that resulted in ref: 01/01940/FUL - The erection of 6 dwellings with garaging and access, approved 19.11.2001.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST1 - Rural Centres

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

EH1 - Conservation Areas

EH12 - Areas of High Archaeological Potential

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Other Relevant Documents

Somerset County Council Parking Standards (September 2013)

Somerset County Highways Standing Advice

South Somerset Emerging Local Plan 2006-2028, particularly:

Policy SS1 Settlement Strategy

Policy SS5 Delivering New Housing Growth

CONSULTATIONS

CASTLE CARY PARISH COUNCIL - Original response, not support the application:

1. The majority of the site is outside the current settlement boundary.
2. The housing density for the site is too high when compared with the housing density of the surrounding area.
3. Access to the site will be via South Street and Cockhill Lane and the service road. The latter road is somewhat restrictive whilst the other two become hazardous when obstructed by inappropriately parked vehicles, which is usually the case.
4. An archaeological report commissioned by the owner of the Bay Tree restaurant in support of a previous application for that site revealed the presence of archaeological artefacts on the Lama Field site. These are in the form of tunnels and remnants of walls. The committee considered that an exhaustive archaeological search should be made of the area before any consideration can be given for site development.

5. It is current Highways policy not to allow vehicles from more than 5 dwellings to emerge on to a road from a cul de sac. The existing cul de sac accommodates vehicles from 6 dwellings. This application seeks to increase the amount to 11 dwellings.

Response to the amended plans:

Rejected unanimously.

1. Traffic blackspot: volume still issue on both narrow lane and at junction with South Street.
2. Edging development boundary.
3. Archaeological area of interest.

COUNTY HIGHWAY AUTHORITY - From a purely detail viewpoint, I understand that local residents have raised a number of concerns relating to highway matters, including mention of the junction of Elm Lane with South Street, and these are duly noted. That said, since the original 2001 application (01/01940/FUL) was considered by the LPA, visibility standards have changed and are now enshrined in the Manual for Streets document published in 2007. This document requires a 2.4m 'x' distance and 43m 'y' distances to be available in a 30mph environment, as in this case, and it is self-evident that visibility splays in excess of these levels are available making the existing junction arrangement acceptable to serve additional development.

Furthermore from an estate road viewpoint, the existing unclassified Alma Field estate road was constructed in the form of a type 4 estate road and is capable of serving up to 100 dwellings, and as such there are no technical reasons why the road cannot be extended into the application site as proposed.

As such and in light of the above, I would not wish to raise a highway objection in this instance subject to conditions for the means of access, estate road details, provision of parking spaces, surface water discharge, and a construction management plan.

SSDC CONSERVATION OFFICER - No objection to the principle of low scale development. The land lies adjacent to the conservation area but development here will not significantly impact upon it and will read in association with the existing modern development areas that largely surround it.

SSDC LANDSCAPE ARCHITECT - in response to the amended plans seeking 3 dwellings he considers that it is possible to arrive at an arrangement for 3 dwellings without undue impact upon context, hence there is no landscape objection to the idea of 3 dwellings.

CAMPAIGN TO PROTECT RURAL ENGLAND - The proposed development would be outside the area scheduled for growth in the draft Local Plan and this should be a material consideration even though as yet the Plan has not been adopted; and (b) there is adequate land, including brownfield, for housing, in the proposed direction of growth.

SSDC ECOLOGIST - I don't consider there to be any ecological reasons to prevent the proposed development. The site is semi-improved grassland, a common habitat type of limited nature conservation significance. The rougher edges were characterised by hogweed and nettles. There wasn't evidence of badger setts within or immediately adjoining the site. Slow worms could potentially be present on site due to the presence of suitable habitat and adjacent gardens. Provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development. Further, details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect.

SSDC SPORTS, ARTS AND LEISURE - originally sought contributions in relation to a

scheme for 5 dwellings, but the revised proposal that seeks 3 dwellings falls below the threshold for which Community, Health and Leisure would seek contributions.

COUNTY ARCHAEOLOGIST - raises no objection on archaeological grounds. In response to neighbour concerns about the local archaeology, the county archaeologist responses: The archaeological evaluation that took place on the site revealed that remains only existed on the street frontage while there were no remains to the rear of the plot. Therefore this proposal will not impact on any significant remains and I cannot see any reason to attach a condition.

WESSEX WATER - General comments made to the effect new supply and waste water connections will be required from Wessex water.

REPRESENTATIONS

There were 17 householder responses received following the original neighbour notifications. Of these there was one letter of support for 5 dwellings but no more, and 16 households that have objected on the basis that:

- Adjacent to the Conservation Area and important to maintain the character of the town
- Out of scale resulting in serious cramming in what is a low density area
- The proposal would not reflect the surrounding properties
- Density of the development
- Develop brownfield sites first
- Agricultural land
- Intrusive into open countryside
- Policy breach
- Outside development boundary
- Not in the Direction of growth
- Precedent for other greenfield land in the area
- The access is inadequate to serve additional development, dangerous and unsafe
- At the time the 6 dwellings was permitted the Transport Development Group advised the above junction improvements will not be adequate to serve additional development
- The development doubles the use of the access
- Visibility is poor at junction
- congestion
- 80% of traffic breaks the 30mph speed limit
- Archaeological interest
- Detrimental to residential amenities
- Light, proximity
- Ground water retention
- Flora and fauna
- Human Rights Act, Protocol 1

Following revised plans two further response was received, but others have indicated that their original concerns remain. The additional objection received is to the effect:

- There are no drawings attached to the file
- The development is outside development limits
- Beautiful, unspoilt countryside on the edge of castle Cary is destroyed.
- Restricted vehicular access will be made more dangerous
- Detrimental impact on neighbours
- 2 proposed development sites in Castle Cary are far more suitable and will meet the demands of the NPPF.
- Another accident near the junction 2 weeks ago. The Highway experts have made their comments but they do not see the reality of this dangerous junction day to day.

CONSIDERATIONS

Principle of Development:

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, in particular where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Castle Cary as a Rural Centre.

Policy SS1 states that in Rural Centres provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. The emerging local plan, at policy SS5, allocates Castle Cary/ Ansford with a housing requirement of at least 374, with commitments of up to 218 dwellings. Notwithstanding pending applications the Council's position is that there continues to be support for small scale housing proposals, and there is a permissive approach for considering housing growth in Castle Cary/ Ansford and proposals adjacent to the development area can be considered while taking account of the overall scale of growth and the wider policy framework in the Local Plan. As a rural centre location further housing growth in Castle Cary/ Ansford cannot be ruled out in principle.

Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly the main considerations include: character and appearance, highway safety and neighbour amenity.

Character and appearance:

The Landscape Architect supports the inclusion of 3 dwellings that are capable of providing for an acceptable arrangement and on this basis does not raise a landscape objection. Further, the Conservation officer has not raised objection in terms of the effect such small scale development would have on the nearby conservation area and considers an acceptable scheme can be achieved, developing from the modern development adjacent to the application site. On the basis that the Landscape and Conservation officers' advice attracts significant weight it is considered that the proposal should be supported. The proposal complies with saved policies ST5, EH1 and EC3 in that the proposal is considered, respects the form, character and setting of the locality.

Highways Safety:

The Highway Authority having considered the issues and the neighbour responses that are concerned that the access is inadequate to take more traffic have not raised an objection, and propose conditions to be attached to any permission. Their full response is given above. On the basis that the highway officer is supportive of the proposal and that there are no highway safety issues that arise from the scale of development it is considered that the proposal should be supported.

Neighbour amenity.

The current application seeks outline planning permission. While the details are not sufficient to fully consider neighbour amenity at this stage, this can be more appropriately considered as part of the Reserved Matters. It is, however, possible at this time that an acceptable scheme is capable of being submitted that would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

Neighbour comments:

All responses have been considered and are referred to, as appropriate, within the relevant subheadings of the officer report. Matters otherwise not addressed include:

- There is no requirement that the applicant needs to submit a further 'illustrative' layout, details for which can be fully considered at the time the application for reserved matters. We have to determine the outline on the basis of whether the area of land, its location and the relationship to adjacent sites is capable of supporting the subsequent application for reserved matters and on the basis of the limited information that has been submitted three dwellings would appear to be possible.
- Notwithstanding that there are alternative housing site proposals in Castle Cary/ Ansford, we have also to consider, and balance, the wider planning issues engaged by the proposal.
- Planning applications should be considered on their individual planning merits rather than their decision seen to set a precedent
- In considering any application the planning system would be routinely aware of the Human Rights legislation.

Town Council comments:

These have been considered mostly within the relevant subheadings of the officer report, including the highway considerations but it is important to reiterate, notwithstanding the neighbour comment that previous correspondence indicated a limit to the volume of traffic using the access, the Highway Authority considers that there is scope to take a larger volume of traffic, while their response was to 5 dwellings this has been reduced to 3 dwellings. Without Highway support it cannot be satisfactorily argued that there is a traffic blackspot involved in this location.

Likewise, the County Archaeologist acknowledges local concerns but their response following the planning officer's enquiry is to the effect that the area of archaeological interest is not within the current application site.

Concluding Remarks:

This is a site adjacent to the development boundary. From the description three additional dwellings can be designed to reflect the adjacent built form. Following local concerns that have been brought to the attention of the Highway Authority their response is to not object to the level of traffic that would derive from the proposal. On the basis of the responses received there is support for three dwellings in this location on the basis that there are no adverse impacts that would arise from the development.

RECOMMENDATION

Approve.

01. The proposal, by reason of its location, represents appropriate infill adjacent to the development area and does not foster growth in the need to travel and is therefore sustainable in accordance with the aims of objectives of policy ST3 of the South Somerset Local Plan

(Adopted April 2006) and the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Approval of the details of the Access, Appearance of the building(s), the Landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of a 'priority species' in accordance with NPPF.

05. Approval of the details of the means of access to the site shall be obtained from the Local Planning Authority.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

06. Approval of the details of the means of access to the site shall be obtained from the Local Planning Authority.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

07. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

08. Plans showing parking area(s) providing for an appropriate number of spaces in line with the Somerset County Council Parking Strategy vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be properly consolidated before the building(s) are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

09. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soak ways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

10. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.