

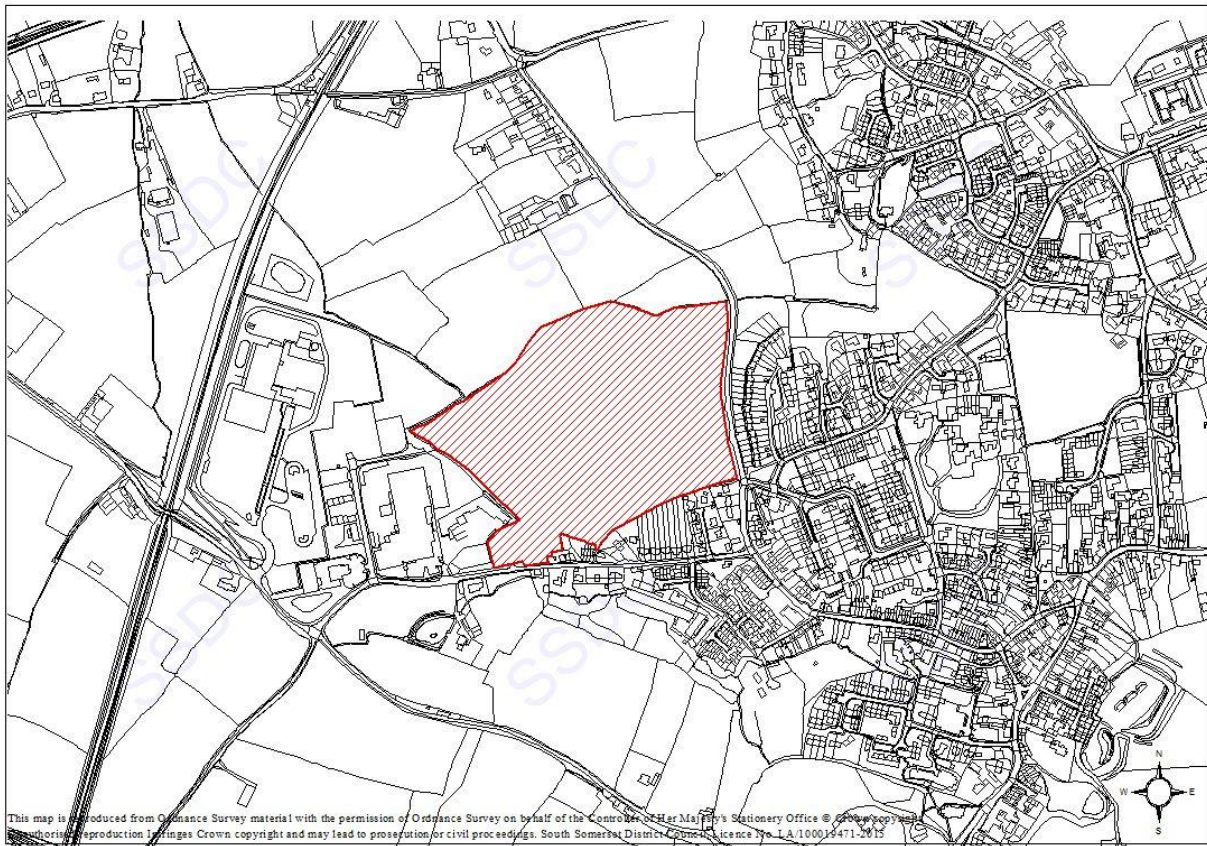
## Officer Report on Planning Application: 14/02020/OUT

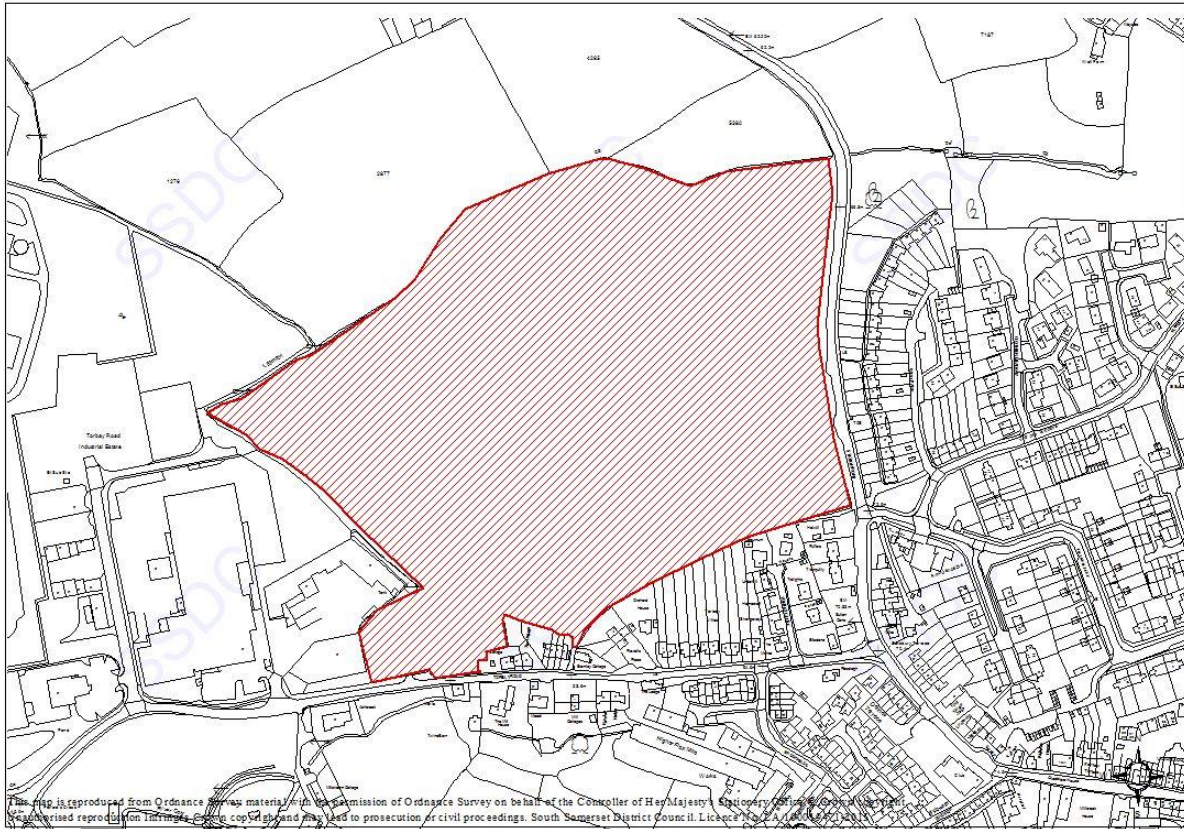
<b>Proposal :</b>	Outline Planning Application (All Matters Reserved Except for Access) for up to 165 houses, up to 2 Ha of Employment Land, a Road Linking Torbay Road with Station Road, a Safeguarded Site for a New Primary School and Green Infrastructure on Land Between Torbay Road and Station Road, Castle Cary, Somerset (GR:363260/132575)
<b>Site Address:</b>	Land Os 1445 Part Torbay Road Castle Cary
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Case</b>	
<b>Target date :</b>	27th August 2014
<b>Applicant :</b>	Donne Holdings & Somerset County Council
<b>Agent:</b>	James McMurdo, Jones Lang LaSalle, Keble House Southernhay Gardens, Exeter, EX1 1NT
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable the local issues raised to be debated.

### SITE DESCRIPTION AND PROPOSAL





This 10.7 hectare site lies between Station Road and the Torbay Road Industrial Estate and is to the rear of residential properties on Torbay Road/Torbay Close. The site slopes from Station Road to the west and is currently in agricultural use, comprising 2 fields. The site is within the 'Direction of Growth' (DoG) for the town as set out in new local plan.

The proposal seeks outline permission for up to 165 house houses, 2 hectares of employment land, a school and associated open space. Detailed approval is sought for two points of access, one from Station Road the other from Torbay Road; these would be linked by a new road through the site.

The application is supported by:-

- Illustrative Masterplan
- Detailed drawing of the proposed accesses
- Planning Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Archaeological Gradiometer Survey
- Historic Environment Assessment
- Flood Risk Statement
- Geo-environmental Desk Study
- Aborigicultural Impact Assessment Report
- Ecological Survey and Assessment Report
- Ecological Impact Assessment Report
- Ecology Mitigation and Enhancement Plan
- Environment Noise Assessment

The Transport Assessment has been supplemented by 2 further statements, one (received 10/11/15) in response to concerns raised locally about its shortcomings and another (dated 27/02/15) in response to concerns about potential cumulative impacts. Additionally an Odour Assessment has been provided (16/03/15) to address any possible issues arising from the proximity to the pet food factory. The latest transport statement has been subject to re-consultation.

## **PLANNING HISTORY:**

12/04789/EIASS Negative Screening Opinion given – Environmental Impact Assessment not required

Subsequently this Opinion was challenged and the applicant sought a Screening Direction from the Secretary of State to confirm the negative Screening Opinion given by the Council. Care4Cary also approached the SoS raising concerns that the cumulative impacts of current development proposals had not been fully considered. After considerable delay the National Planning Casework Unit, on behalf of the SoS, referred this matter back to the Council (27/01/15) to 're-screen' the proposal in light of the passage of time and submission of further application.

15/00460/EIASS Further negative Screening Opinion given (13/02/15), this concluded:-

*“... the Council is of the opinion that the proposed development of up to 165 houses, 2 hectares of employment land and school site would not, on its own or when considered cumulatively with other developments in the locality, have significant environmental effects beyond the locality. Such local impacts would not be of such significance that an environmental impact assessment under the above regulations is required. Accordingly an environmental statement is not required for the purposes of environmental impact assessment.”*

An assessment of potential cumulative traffic impact and an odour assessment was requested to support the application.

## **OTHER RELEVANT APPLICATIONS**

There are a number of applications for residential development in Castle Cary, namely

13/03593/OUT Up to 60 dwellings at Well Farm, Lower Ansford. It is noted that revisions to the 'developable area are likely to limit the scheme to about 0 houses. Now approved.

14/02906/OUT Up to 75 dwellings at Station Road, Castle Cary (pending)

14/04031/OUT Up to 29 dwellings at Foxes Run, Bridgwater Buildings, Castle Cary on the saved allocation HG/CACA/2 (to be considered at a special Area Committee on 31/03/15).

14/05623/OUT Up to 125 dwellings at Wayside Farm, Station Road, Castle Cary (pending).

15/00519/OUT Up to 75 dwellings on land east of Station Road (pending)

There are also two application with potential traffic impacts in the vicinity:-

14/04582/FUL           Erection of a concrete batching plant at Camp Road, Dimmer (pending).

15/00372/CPO           County application for a waste transfer station at Dimmer Waste Management Centre. The District Council has resolved to object to this proposal on the number grounds, including potential cumulative highways impacts. The application is to be considered by SCC in May.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

### Policies of the South Somerset Local Plan (2006-2028)

SS1 – Settlement Strategy – identifies Ansford/Castle Cary as a Local Market Town

SS1 – Delivering New Employment Land – sets out a need for 18.97 hectares of employment land for Ansford/Castle Cary over the plan period. To date 10.07 ha have been delivered with the remaining 8.9ha to be delivered between now and 2028.

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

SS5 – Delivering New Housing Growth – sets out a need for at least 374 houses in Ansford/Castle Cary over the plan period. As at April 2012 there were 156 commitments (i.e. built or with planning permission) with at least a further 218 to be delivered by 2028.

LMT1: Ansford/Castle Cary Direction of Growth and Link Road – sets out how policies SS3 and SS5 will be applied to Ansford/Castle Cary:-

*The direction of strategic growth (for housing, employment & education) will be north of Torbay Road and East and West of Station Road. As part of any expansion within the direction for growth, a road will be expected to be provided between Station Road & Torbay Road prior to completion of the expansion.*

SD1- Sustainable Development

SS6 – Infrastructure Delivery

SS7 – Phasing of Previously Developed Land

HG3 – Provision of affordable Housing

HG5 – Achieving a Mix of Market Housing

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ3 – Historic Environment  
EQ4 – Biodiversity  
EQ5 – Green Infrastructure  
EQ7 – Pollution Control

#### National Planning Policy Framework

Part 1 - Building a strong, competitive economy  
Part 4 - Promoting sustainable transport  
Part 6 - Delivering a wide choice of high quality homes  
Part 7 - Requiring good design  
Part 8 - Promoting Healthy Communities  
Part 10 - Meeting the challenge of climate change, flooding and coastal change  
Part 11 - Conserving and enhancing the natural environment  
Part 12 - Conserving and enhancing the historic environment

### **CONSULTATIONS**

**Castle Cary Town Council:** Unanimously opposed:-

#### ***Consideration of the bigger picture essential***

*This application should not be considered in isolation. The bigger picture needs to be considered. There will be the additional effects of other already approved applications in the area such as Well Farm as well as others alleged to be in the pipe line.*

#### ***Size and concept***

*This development would be totally overwhelming to our unique Market Town and Castle Cary is unanimous in its view that the town is not ready for and does not need a development of this size at this time. This development will quickly take the town near its minimum recommended number of new houses under the local plan, how many more will there be by 2028?*

#### ***Roads and Access***

*The main A road serving the town is the A371 which has two notable pinch points – the railway bridge and the lights on Ansford Hill. This road is already over full and dangerous. The smaller roads in and around the proposed development are already under considerable pressure with weight limits ignored and rat runs established through narrow lanes. We cannot take more large volumes of traffic. Highways have failed to take this into account in their considerations and it is a major concern that entry and exit to the new site are proposed on blind corners. There are insufficient safe routes for walking or cycling for access to town or schools.*

#### ***Density***

*Many of the proposed homes are very small with little or no garden space - not suitable for raising a family. A complete lack of opportunity to enjoy outside environment and inadequate play areas for children.*

#### ***Erosion of Countryside.***

*This represents an erosion of countryside and inappropriate use of green fields when there are so many undeveloped derelict sites in Castle Cary.*

#### ***Infrastructure***

*The roads, health and other professional services will not cope with such a sudden a large change.*

#### ***Employment***



*We consider it essential that employment opportunities are in place prior to the housing development. These need to be new initiatives and include small micro ventures and not an extension of existing employers. This town is not suitable for large factories due to the inadequate roads.*

**School**

*Neither the School nor the town wish to see the primary school moved out of the town centre.*

**106 monies** – *The town thinks that 50% allocation of the 106 monies from this development is outrageously mean.*

No comments received at the time of writing to the reconsultations.

**Ansford Parish Council:** make the following comments on the application:

1. Concerns were raised with regard to taking the primary school away from the centre of town. It was felt that money allocated for this could be redirected to improve space and facilities at the existing primary school site.
2. There would need to be a pedestrian crossing installed for older children going to Ansford via footpaths
3. Concerns were raised about the increased traffic that would exit onto Station Road and subsequently on to the A371 which is already classed as being overloaded.
4. When detailed plans are drawn up can consideration be given to the need for one bedroomed dwellings in the area?

No comments received at the time of writing to the reconsultations.

**County Highways:** initially noted that the site lies within an area that has been identified for strategic growth for Castle Cary under Policy LMT1 which identifies a number of delivery requirements for the town including:

1. a road linking Torbay Road and Station Road
2. provision of employment land
3. housing including affordable housing provision;
4. a site for a new primary school.

With regard to the originally submitted Transport Assessment to following comments are provided:-

*This document has looked at both the existing traffic flows on the network and models the potential impact of the proposed development on the local road network, whilst also including the impact of any relevant committed development. The extents of the data used to prepare the TA was accepted by the Highway Authority at the pre application stage, and prepared in an industry standard manner which includes a full analysis of the ghost island right turn lane junction being proposed on Station Road and the new access onto Torbay Road (subject to some minor sensitivity testing at REM stage when more details are known about end users of the various parts of the site) both of which operate with ample reserve capacity even when the development is complete and fully operational, and will therefore operate in a satisfactory manner. These off site highway works, including the works proposed on Torbay Road would need to be incorporated into a subsequent S106 Agreement or at the very least be the subject of suitably worded negative planning condition requiring the works to be complete prior to an appropriate point in time to avoid any adverse impact on the surrounding highway network and allow for any phasing arrangement that may be*

*agreed by the LPA.*

*Further afield, the TA has also analysed a number of existing road junctions in the vicinity of the site (the details of which were again agreed at the pre application stage with the Highway Authority) to assess their current capacity and how the development would impact upon them, and in all cases the TA finds that they will operate with ample reserve capacity even when the development is fully completed and therefore that no adverse impact on highway safety will result should the development proceed after planning consent is granted. These junctions being:-*

- *B3152 Station Road / Torbay Road*
- *Fore Street / Woodcock Street*
- *A371 Ansford Hill / B3152 Station Road*
- *B3153 / Blackworthy Road*

*As such it is the Highway Authorities view that any objection to the development on traffic impact grounds would be unreasonable in this particular case.*

It is concluded that subject to appropriate conditions and securing appropriate travel planning measures through a S106 agreement the development is not objectionable in highways terms.

Subsequently the highways authority were asked to comment on a highway consultant's concerns about the original Transport Assessment and the applicant's rebuttal of these concerns. The County declined to do so expressing their view that the original Statement is sound.

At the time of writing the county's comments in relation to the cumulative transport statement were awaiting and will be reported to committee.

**Planning Policy:** Notes that this proposal is located within the 'direction of growth' for Ansford /Castle Cary as set out in Policy LMT1 and includes 2 ha of employment land, a site for a new school, housing and a road between Station Road and Torbay Road. Local Plan Policy SS3 includes a requirement for 8.9 ha of additional employment land at Ansford/Castle Cary and it is noted that this proposal contributes towards that requirement.

The Council also has under consideration four additional planning applications for up to 304 dwellings, including 29 dwellings on the saved allocation HG/CACA/2. Each of these applications will be determined on their merits, but it is important to be mindful of the potential cumulative effect of their development. If permission were to be granted for this proposal and the other planning applications it would entail 643 dwellings being committed for Ansford/Castle Cary. This would bring it over Ilminster's expected housing requirement figure (496 dwellings), even though Ilminster is categorised as a Primary Market Town, which is the next 'tier' up in the settlement hierarchy. Whilst it is acknowledged that the local plan figure of 374 dwellings does not represent a maximum, nonetheless, under the policy approach in Policy SS5 the scale of growth should be appropriate to a settlement's role and function and should this site receive permission in combination with the other proposals it will lead to total housing numbers at Ansford/Castle Cary being 72% higher than that set out in Policy SS5.

Overall, Ansford/Castle Cary is a settlement with a range of jobs, services and facilities that means it is a sustainable location for new development. Taken in isolation the scale of this proposal is consistent with Policy SS5 and from a settlement-wide perspective it is clear that this proposal is more consistent with Policy LMT1 than proposals 14/05623/OUT,

14/02906/OUT and 15/00519/OUT.

**Economic Development Officer:** No objection subject to consideration of a request to amend the illustrative layout to:-

- Maintain an adequate buffer zone between the proposed residential land and employment land
- Ensure that the layout offers access to potential/ future employment land provision.

This request has been put to the applicant however they have refused to amend the masterplan stating that as far as they are concerned it is the best solution. Nevertheless they have indicated a willingness to revisit the issue at the reserved matters stage and suggest this could be conditioned.

Subsequently the economic development manager has commented:-

*We note that the proposed mixed use development will enable approximately 2 Ha of new employment land adjacent in Castle Cary. This allocation will considerably assist Castle Cary in securing its employment land target for the plan period to 2028.*

*We would re-iterate that we have checked with the major local employers who expressed an interest in acquiring further employment land in their responses to the 2013 employment land survey. These employers have confirmed that they have adequate provision for the mid-term, so this development will help meet the future requirement for employment land in Castle Cary, based on the figures included in the draft Local Plan provision.*

*We understand that our previous comments on the configuration of the employment land outlined within the application have been noted by the applicant and that these will be addressed under reserved matters when a full application is brought forward.*

*On this basis we are fully supportive of the application.*

**Area Development:** raises a number of issues:-

*In responding to this application my overwhelming concern is the inability to consider developments cohesively in town and especially in Torbay Road/Station Road area. With one other application pending and potential for other sites to be brought forward, I believe that the absence of an overall plan for this area poses a real risk of fragmented development.*

*The cumulative effect of this application, the recent outline approval at Well Farm and the pending application for land west of Station Road is significant for a settlement the size of Castle Cary & Ansford.*

*Currently approved and pending applications provide for 300 units, well in excess of the 218 contained in the minor Modification of the growth projections to 2028 and this does not take into account any other developments which may come forward*

### **Town Centre**

*Castle Cary is a unique town, retaining a wide range of independent shops; bringing forward an edge of town site, ahead of dormant sites within the town, does little to aid the long term viability of the town centre. In this context the preservation of the school within the town centre would be highly desirable, although it is acknowledged that there is a need for expansion of the school's facilities*



## **Employment**

*Through the core strategy consultation there was acknowledgement that the settlement needed to 'catch-up' because employment land had not been brought forward and where it had, job creation had been limited so the provision of employment land within this application is to be welcomed. However, the type and form of employment is important and I hope that we would be seeking to avoid high land use low employment density in favour of more job lucrative employment space. If approved, I appreciate the bringing forward of the employment land, within this application will be market sensitive but I hope that any tools within the planning 'toolkit' are applied to ensure that the employment space is serviced from early within the development so that it can be built out as soon as end users are identified. It would be particularly undesirable for the residential units to be occupied and no additional employment available*

*Finally, I am concerned that the current layout is not conducive to the future expansion of the employment areas on adjoining land. The provision of an adopted road (to the boundary of the site) would facilitate rather than impeding such expansion.*

**Housing Development officer:** requests 35% affordable housing based on a tenure split of 67/33 in favour of rented accommodation. Based on 165 houses, 58 affordable units would be expected. These should provide:-

- 20 x 1 Bed
- 24 x 2 Bed
- 12 x 3 Bed
- 2 x 4 Bed

**Leisure Policy:** request the provision of an on-site LEAP of at least 749m<sup>2</sup> with 30m buffer zone. Contributions towards off-site mitigation measures to address increased demand for sport and recreation facilities are sought as follows:

- £27,993 towards provision of new youth facilities in Castle Cary/Ansford;
- £65,763 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
- £133,520 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;
- £86,161 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
- £51,881 towards expanding and enhancing the Octagon Theatre in Yeovil;
- £13,325 towards enhancing AGP provision in Wincanton;
- £30,341 towards the provision of a learner pool at Wincanton Sports Centre;
- £39,282 towards the provision of a new indoor sports centre in Yeovil
- £68,016 as a commuted sum towards the local facilities.
- Monitoring fee based on 1% of total

In the event that the District Council were to provide and subsequently adopt the on-site LEAP it is suggested that the cost of provision would be £142,564 and that a commuted sum of £82,347 should be provided.

**County Education:** suggests that 165 houses would generate a demand for 33 primary school places at a notional cost of £12,257 per place, equating to £404,481 which should be secured through a S106 agreement.

**Network Rail:** concerned about the possible impact of increased use of 3 uncontrolled foot

crossings over the single track railway to the north of the site, known as Buckles and Clanville No.s 1 & 2. It is noted that, cumulatively, there are proposals for up to 365 dwellings in the vicinity of the railway line (14/02020/OUT, 14/02906/OUT and 14/05623/OUT). Network Rail is concerned by the potential increase in risk at the crossings and request that an appropriate form of mitigation is introduced at the crossings to ensure that the safety of the operational railway and those using the crossings is maintained.

It is suggested that:-

*If any of the proposed developments are granted planning permission it is highly likely that there will be increase in risk at the crossings. Due to the complexity of the situation, please see below a number of scenarios that may occur and Network Rail's recommended form of mitigation should they occur. The mitigation options which are presented will require further consideration and Network Rail would appreciate the council's feedback on them.*

*The safest way to mitigate against the impact of the proposed developments would be to close all three of the crossings and divert the existing footpaths over an alternative route or via a new footbridge over the railway line.*

*Scenario A – All three planning applications are granted permission*

*If all three planning applications are granted permission, in order to appropriately mitigate the crossings against the cumulative impact of these developments, Network Rail would recommend the closure of all three crossings, with existing footpaths diverted over an alternative route or via a new footbridge over the railway line. Please see attached diversions options document which illustrates the potential diversion options.*

*This could be funded by the applicants through a pro-rata system. The footbridge and related funding could be delivered through a Section 106 agreement.*

*Scenario B – Only one planning application is granted permission*

*If only planning application 14/02020/OUT was granted planning permission;*

*Network Rail would recommend the closure of both Clanville No 2 and Buckles crossings with the existing footpaths diverted over an alternative route or via a new footbridge over the railway line.*

*If only planning application 14/02906 was granted planning permission;*

*Although it is probable that this development would increase the use of the crossings, as it consists of a smaller number of units compared with the other developments, if only planning application 14/02906 was granted permission Network Rail would recommend that the applicant makes a small contribution towards mitigating additional risk at the crossings.*

*In addition, Network Rail would be keen to work with the applicant to inform new residents of how to safely use the crossings. For instance the applicant could assist Network Rail by ensuring that new residents are given a level crossing guidance leaflet.*

*If only planning application 15/05623/OUT was granted planning permission;*

*Network Rail is extremely concerned by the impact that this development would have on the safety and operation of Clanville No 1 & No 2 crossings. Due to proximity of the proposed development to Clanville No 1 & No 2 crossings Network Rail would require*

*the closure of both crossings, with the existing footpaths diverted over a new footbridge over the railway line.*

*Scenario C – If planning application 14/02020/OUT and 14/02906 were granted planning permission while planning application 15/05623/OUT was refused;*

*Network Rail would recommend the closure of both Clanville No 2 and Buckles crossings with the existing footpaths diverted over an alternative route or via a new footbridge over the railway line.*

**Rights of Way Officer:** no objection subject to informative to remind developer to ensure rights of way is not blocked.

**Area Engineer:** considers the proposed drainage strategy to be sound. Recommends the detail should be secured by condition

**Wessex Water:** No objection subject to securing detail of foul water and surface water strategies by conditions

**Environment Agency:** No objection subject to conditions to ensure the detail of the drainage strategy are agreed and that appropriate investigations are carried out to ensure there are no land contamination issues. No comments received at the time of writing to the odour assessment.

**SSDC Environmental Protection Officer:** no objection subject to a condition to secure an appropriate investigation of any potential land contamination. In relation to subsequent submission of an Odour Assessment it is considered that the methodology and supporting data are sound and it is observed:-

*I am satisfied with this report; it does not guarantee an odour free environment for the new development but does seem to be taking a worse case scenario approach to the assessment and suggests a very small to insignificant impact.*

**SSDC Climate Change Officer:** does not support the scheme based on the illustrative layout,

**Natural England:** No objection

**SSDC Ecologist:** No objection, subject to safeguarding conditions

**County Archaeology:** no objection subject to safeguarding condition

**Landscape Officer:** No objection. Notes that the supporting material outlines an acceptable development and landscape approach. It is recognised that Castle Cary is intended for further growth in the forthcoming plan period. accordingly no landscape objection is raised to the proposal.

## **REPRESENTATIONS**

2 letters of support have been received. One from a local resident who wishes to buy his first property in Castle Cary referring to the lack of affordable houses which is forcing the younger generation out of the town just to get onto the property ladder. The other is from a local business interested in any industrial land that becomes available.

A further letter acknowledges the “shortage of good genuinely affordable homes in

Somerset". New neighbourhoods of well-designed houses should be encouraged and built to high standards and made available at affordable costs. Alternative delivery models to the private developer are suggested, such as Community Land Trusts.

82 letters have been submitted raising the following areas of concern:-

- Cumulative impacts on character of town
- Development is too big in one go for the town (a 25% increase is referred to)
- Would spoil character of town
- Landscape and visual impact
- Loss of green space
- Over development of site with a lack of garden and play space.
- Existing brownfield sites (e.g. BMI) should be developed first
- Local infrastructure cannot cope
- Future residents would have to commute elsewhere to work
- Increased traffic and parking demands could not be accommodated in the town
- Impact of additional on B3153 where the Inspector at the Dimmer concrete plant appeal said the road is over loaded
- Impact on South Cary Lane
- Noise impacts of additional traffic
- Safety issues with the increase traffic for children and pedestrians
- Cumulative highways impacts with other developments
- No need for link road
- Lack of safe crossing points,
- Poor pedestrian and cycle links
- Impact on footpaths
- Possible loss of on street parking in Torbay Road
- Unsafe access
- School should not move out of town centre
- New school site close to pet food factory is in the wrong place
- Business units should be small
- Lack of consultation
- Unsustainable development with no detail of low energy measure
- Limited demand for new houses and business space
- Allotments should be provided

A solicitor on behalf of Care 4Cary, a local pressure group, has challenged the council's screening of this (and other sites), although nothing further has been submitted since the rescreening of the proposals.

Care4Cary has also engaged a transport consultancy to assess the submitted Transport Statement. It is their view that:-

- the value of the link road is diluted as HGV traffic would be prohibited from using it and therefore increased HGV movements would be experience on the B3153.
- The link road would not be an attractive alternative to Torbay Road due to distance and restrictions
- The design of the link road would not facilitate its best use.
- The ability of the town to accommodate traffic has not been properly investigated – it is pointed out that a 33% increase would be attributable to this proposal
- Piecemeal approach threats to result in multiple accesses and a lack of a comprehensive footpath/cycle network between the various sites under consideration.
- TRICS data applied to the 'business park' do not include more intensive class uses

The County highways authority and the applicant have been asked to comment on this representation.

The Chair of the Governors of Castle Cary Community Primary School has written stating the governing body's preference that the school remain in the town centre provided the increased numbers could be accommodated without detriment to the children's education.

## **CONSIDERATIONS**

### **Principle**

The site is within the Direction of Growth (DoG) allocated in the new local plan for Ansford/Castle Cary. The proposal brings forward provision for employment, housing, education and a link road between Torbay road and Station Road as required by policy LMT1. At up to 165 dwellings and 2 hectares of employment land it is within the minimum levels of growth set up policy SS3 and SS5. On this basis it is not considered that there is any reasonable justification to dispute the principle of the development, nor could there be any justification to now seek to lower the employment or housing provisions or the Direction of Growth set out in the adopted plan through the determination of this application.

It is noted that the site comprised grade 1 and 3a agricultural land. Whilst this is the 'best and most versatile (BMV) land, which the council should seek to avoid the loss of, it is only one of the many factors weighed in the 'planning balance' when the council considered the allocation of this site balanced against other considerations and constraints facing alternative sites when the DoG was allocated.

Whilst the proposal does not deliver all the outstanding employment land for the town (8.9 ha) there is no policy requirement for this to be achieved in a single application and there remains land within the DoG on which this could be achieved. The suggested revisions to the layout, whilst desirable, are not considered so fundamental that the applicant's failure to amend the masterplan could justify withholding permission. Rather a condition ought to be imposed to require the provision of links to the site boundary to ensure future provision is prejudiced.

It is regrettable that the various landowners have chosen to submit separate applications; however LMT 1 does not require a comprehensive approach to the entire DoG. Accordingly, notwithstanding the 'piecemeal' approach, unless clear harm in terms of non-compliance with either the NPPF or the policies of the local plan can be demonstrated permission should be granted.

### **Impact on local landscape and visual amenity:**

The Landscape Officer notes that this site has been evaluated in the peripheral landscape studies that informed the local plan) as having a 'high and moderate-high' capacity to accommodate built development. Indeed such consideration would have informed the choice of the town's direction of growth. Accordingly it is been decided that given the constraints of alternatives, this is the favoured direction of growth.

Accordingly given that the Council will be able to seek an appropriate design and layout, together with suitable landscaping, at the reserved matters stage, it is not considered that outline planning permission could reasonably be refused. On this basis it is considered that the proposal would comply policies EQ2 and EQ5 of the local plan.

### **Residential Amenity**

Subject to agreeing appropriate siting and design of houses at the reserved matter stage there is no reason why the development of this site would be inherently harmful to the amenities of existing residents or prejudicial to the amenities of future occupiers of the development. Nevertheless particular care would need to be paid to the uses within the proposed employment area as B2 uses could prove problematic if sited too close to residential properties. On this basis the proposal complies with the requirements of policy EQ2.

### **Highway Issues**

Clearly there is significant local concern that traffic from this development may have a serious impact on the local road network. The applicant has provided a full transport statement, supplemented with additional information in response to the issues raised by Care4Cary and to address possible cumulative impacts identified by the screening process.

The County highways authority raises no objection to the detail of either point of access for which full approval is currently sought, nor have they objected to the wide impacts of additional traffic movements for example within the town or on South Cary Lane or along the A3153. Whilst their final comments in relation to cumulative impact are awaited it is not considered that there is any evidence that points to a 'severe' impact on highways safety or capacity and as such it is not considered that a refusal on these grounds could be sustained.

With regard to the link road, whilst there may be an aspiration for a new road to directly into the existing employment area is this not required by policy LMT1 and the county highway authority does not require it to be provided. Furthermore there is no evidence that the existing road network could not accommodate additional HGV movements on the existing routes to and from the Torbay Road industrial area.

On this basis, subject to the conditions suggested by the highways authority, and not objection being raised on the grounds of cumulative impact, it is considered that the proposal complies with policies LMT1, TA5 and TA6.

### **Cumulative Impact**

Policy SS1 of the adopted Local Plan identifies Ansford/Castle Cary as a Local Market Town. Policy SS5 advocates the delivery of at least 374 dwellings in the settlement over the plan period and outlines a "permissive approach" for the consideration of planning applications, prior to the adoption of the Site Allocations Development Plan Document when considering housing proposals in the direction of growth. The permissive approach is a policy mechanism to facilitate development applications to come forward and be considered in the context of the policy framework established in the local plan, specifically the overall scale of growth established for each settlement and the emphasis upon maintaining the established settlement hierarchy. As such, the overall scale of growth identified for Ansford/Castle Cary (374 dwellings) and its role as a 'Local Market Town' in the context of the 'Primary Market Towns' and the 'Rural Centres' is a material consideration in determining the application and ensuring sustainable levels of growth for all settlements.

As at March 2014, 63 dwellings have been completed over the first 8 years of the plan period. A further 71 dwellings (up to March 2015) are committed, i.e. have permission but have not yet started or are currently under construction. Approximately 40 dwellings have recently been approved on land at Well Farm (13/03593/OUT). This sets out a total of 174 dwellings that are either built, committed, or under construction at Ansford/Castle Cary.

The Council is currently considering 5 planning applications (including this one) for up to 469



dwelling. Each of these applications will be determined on their merits, but it is important to be mindful of the potential cumulative effect of their development. If permission were to be granted for this proposal and the other planning applications it would entail 643 dwellings being committed for Ansford/Castle Cary. This would bring it over Ilminster's expected housing requirement figure (496 dwellings), even though Ilminster is categorised as a Primary Market Town, which is the next 'tier' up in the settlement hierarchy.

Whilst it is acknowledged that the local plan figure of 374 dwellings does not represent a maximum, nonetheless, under the policy approach in Policy SS5 the scale of growth should be appropriate to a settlement's role and function and should this site receive permission in combination with the other proposals it will lead to total housing numbers at Ansford/Castle Cary being approximately 72% higher than that set out in Policy SS5.

Ansford/Castle Cary has a population of 3,200 people, of which 1,500 are 'economically active'. There is a workplace population (i.e. working in Ansford/Castle Cary) of 1,400 people (Census 2011), meaning almost 1 workplace per economically active person which indicates a good level of sustainability, although the 2001 Census shows 54% of people living in the Cary Ward travel elsewhere to work. There are 1,600 dwellings in the settlement (Census 2011) and a good level of services and facilities, including a range of local shops, GP surgery, primary school, secondary school, sports hall, and library. Castle Cary Railway Station is on the main London to Penzance line and there are relatively regular bus services to Wincanton, Yeovil and Shepton Mallet.

Overall, Ansford/Castle Cary is a settlement with a range of jobs, services and facilities that means it is a sustainable location for new development. However, if all current planning applications are granted permission, the overall scale of growth may lead to a scale of housing growth that will threaten the settlement hierarchy and lead to an unsustainable level of growth at the settlement. Growth beyond that identified in the local plan has the potential to cause issues such as perpetuating out-commuting, deficits in infrastructure capacity (e.g. emerging draft study indicates that the primary school may be over capacity by 2018 due to housing growth), and harm to the character of the settlement.

By way of further context, should all planning applications be granted permission, this would take the level of growth in Ansford/Castle Cary beyond that envisaged for Ilminster, which is classified as a Primary Market Town in the settlement hierarchy. This means the strategy and intended hierarchy could be compromised, with smaller scale settlements, which are inherently less sustainable due to a lower critical mass, receiving more growth than a larger scale settlement.

As with all planning applications, each proposal must be determined on its own merits. This application is the first to come forward. It is in the most appropriate location, being next to existing development and includes 2 ha of employment land, a site for a new school, housing and a road between Station Road / Torbay Road as required by Policy LMT1.

Additional information on the cumulative impacts of development on the highways network have been sought. In particular the proposals at Dimmer, which is out outside the scope of policy LMT1, have the scope to affect traffic flows all the B3153 which might be exacerbated by this proposal which would perpetuate (increase) HGV movements out to the B3153 via Blackworthy Road. Whilst then highway authority's final formal comments are awaited they have not to date indicated a problem with the overall level of growth and have long been aware of all current applications.

On the basis that the highways authority maintains a position of 'no objection' it is considered that this proposal, which complies with policy LMT1, could safely be approved without any adverse cumulative impact on the status of Ansford/Castle Cary in the hierarchy

of settlements within South Somerset. This would not prejudice the determination of subsequent applications, which might be within the Direction of Growth, but would have to demonstrate compliance with policies LMT1, SS3 and SS5.

### **Other Issues**

No technical consultee has objected on the grounds of drainage, protected species, archaeology, land contamination, noise or odours. It is considered that these matters could reasonably be addressed by appropriate conditions.

Network Rail is concerned that this development may give rise to increase risk at the uncontrolled foot crossing over the single track railway line to the north west of the site. The applicant is will to fund the cost of the diversion of the existing footpath and this could be achieved through a planning obligation.

The preference to retain the school in the town centre is understanding. However it is a constrained site where there are limited options to expand. As the chair of governors notes there may come a time when children's education may suffer, at which point alternatives would have to be considered. The approval of this application would simply create the option to move the school to this site. There would of course be a range of other (non-planning) factors to be considered before the final decision could be made.

There is not considered to be any sound planning reason why this allocated site would be inappropriate for a new primary school and the detail could reasonably be considered at the reserved matters stage.

### **Planning Obligations**

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested equating to an overall total of £516,282. An on-site LEAP would also need to be provided.

An education contribution of £404,481 is requested together with Travel Planning measures and a contribution towards the stopping up of footpaths over the railway and the diversion of the affected footpaths.

The applicant has raised no objection to making these contributions and has also agreed to the request for 35% of the houses to be affordable as requested by the housing officer. Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

### **Conclusion:**

This is a site within the allocated Direction of Growth for Ansford/Castle Cary and is considered to be in a sustainable with access to a range of day to day services and facilities. The proposal does not give rise to any cumulative related concerns when considered alongside development already permitted or proposed within the locality and the applicant has agreed to the provision of affordable housing and paying the appropriate contributions, as such the development is considered to be acceptable in principle.

No adverse impacts on highways safety, archaeology landscape, ecology, drainage or residential amenity have been identified that justify withholding planning permission. On this basis the proposal is considered to be an acceptable form of development that accords with

the policies of the Local Plan, and the aims and provisions of the NPPF.

## **RECOMMENDATION**

That, subject to the County highways authority confirming that they have no highway objection to the proposal, application reference 14/02020/OUT be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (a) A contribution of £516,283 towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
  - ££27,993 towards provision of new youth facilities in Castle Cary/Ansford;
  - £65,763 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
  - £133,520 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;
  - £86,161 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
  - £51,881 towards expanding and enhancing the Octagon Theatre in Yeovil;
  - £13,325 towards enhancing AGP provision in Wincanton;
  - £30,341 towards the provision of a learner pool at Wincanton Sports Centre;
  - £39,282 towards the provision of a new indoor sports centre in Yeovil
  - £68,016 as a commuted sum towards the local facilities.
  - Monitoring fee based on 1% of total
- (b) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing) or the provision of land and contribution of £142,564 and a commuted sum of £82,347 to enable the District Council provide and subsequently maintain the LEAP.
- (c) At least 35% of the dwellings as affordable dwellings of a tenure that is acceptable to the Corporate Strategic Housing Manager.
- (d) an education contribution of £404,481 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (e) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (f) a contribution towards the stopping up of footpaths over the railway and the diversion of the affected footpaths to the satisfaction of the Development Manager in consultation with Network Rail.

and the following conditions.

### **Justification:**

Notwithstanding the local concerns, by reason of the range of services and facilities to be found in the locality this is considered to be a sustainable location in principle for appropriate development. The erection of 28 dwellings and a commercial unit

would provide employment opportunities, make provision for enhancements to community facilities and would contribute to the supply of local housing without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

**Subject to the following conditions:**

01. Details of the appearance, landscaping, layout and scale (herein after called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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 and the development shall begin not later than 3 years from the date of this permission or not later than 2 years from the approval of the last “reserved matters” to be approved.

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

03. The development hereby permitted shall be carried out on the land identified by on drawing number 12733\_L01\_01.

Reason: For the avoidance of doubt and in the interests of proper planning.

04. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, generally in accordance with the submitted Flood Risk Assessment by Pell Frischmann has been submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved

drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for minimising disturbance and harm to badgers and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

08. The development hereby approved shall be carried out in accordance with the measures, including an ecological watching brief during construction, for minimising harm to Priority Species (Common Toad, Slow-worm) as detailed in the Ecology Mitigation and Enhancement Plan dated 27/04/14 submitted with the application.

Reason: For the protection of priority species in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

09. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice. (Completed)
  - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the

remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.

- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
- e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006 – 2028.

- 11. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with policy EQ3 of the South Somerset Local Plan 2006 – 2028.

- 12. Before any of the dwellings hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

- 13. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

- 14. 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.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.



15. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

16. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundary with the adjoining land to the north west. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of any dwelling or building on the site

Reason: to ensure that future development is provided with good links to the town in accordance with policies TA1 and TA5 of the South Somerset Local Plan 2006-2028.

17. The accesses to the site shall be formed generally in accordance with the details shown on drawings 14139/SKC002A; 14136/SKC003A and 14139/SKC001B, the full details of which shall be submitted to and approved in writing by the local planning authority prior to their commencement.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

18. The commercial buildings hereby approved shall only be used for uses falling within B1 or B8 of the Use Classes Order.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

#### Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that the submitted layout is indicative only and that objections have been raised to it from the Council's economic development officer and climate change office. The layout of the reserved matters application should be informed by their comments. You are urged to discuss these concerns with the local planning authority at an early stage.
3. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests

are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

4. When discharging conditions 4 and 5 you are reminded of the comments of the Environment Agency set out in their letter of 07/07/14.
5. You are reminded that parking provision should be in line with the Somerset County Council Parking Strategy.
6. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
7. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
8. When discharging the drainage conditions you are reminded of the following advice from the Environment Agency:-
  - Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
  - The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
  - If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.