

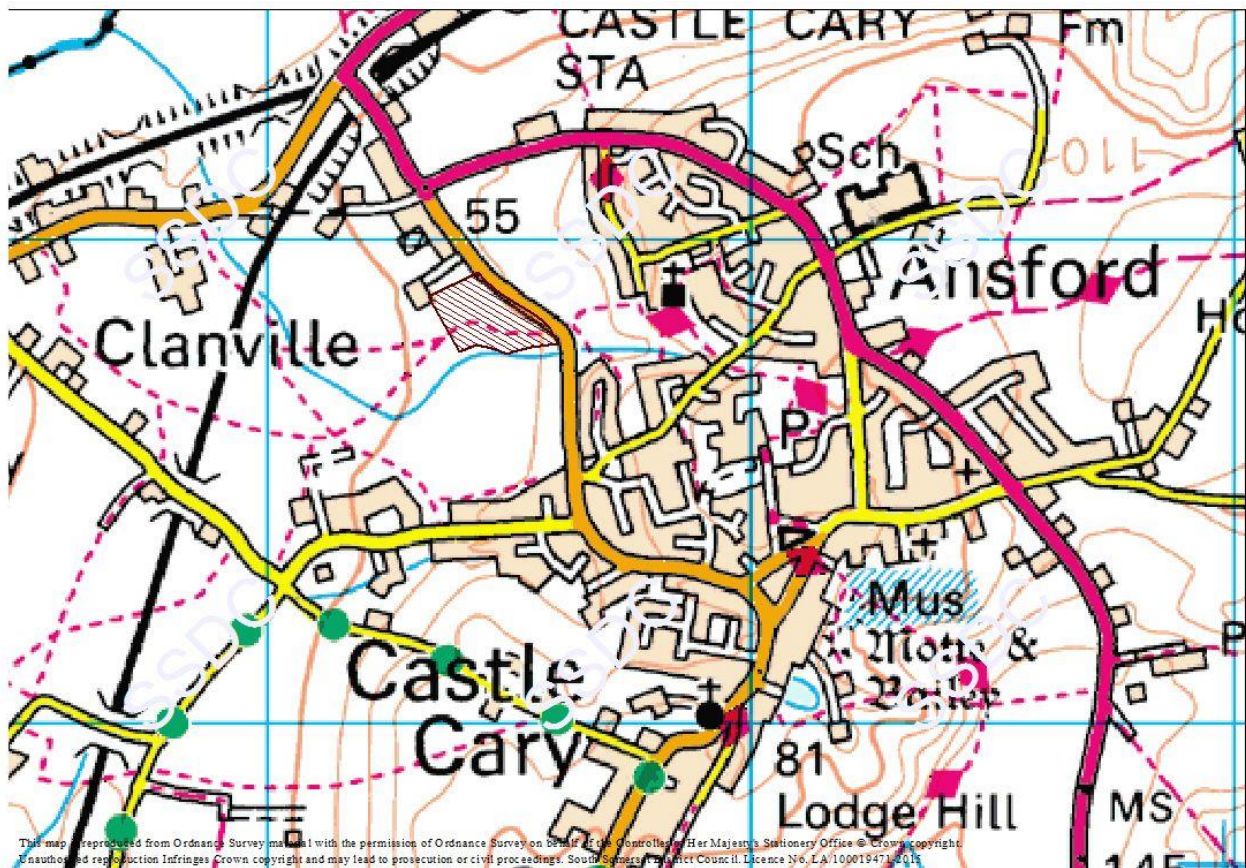
## **Officer Report On Planning Application: 15/02388/OUT**

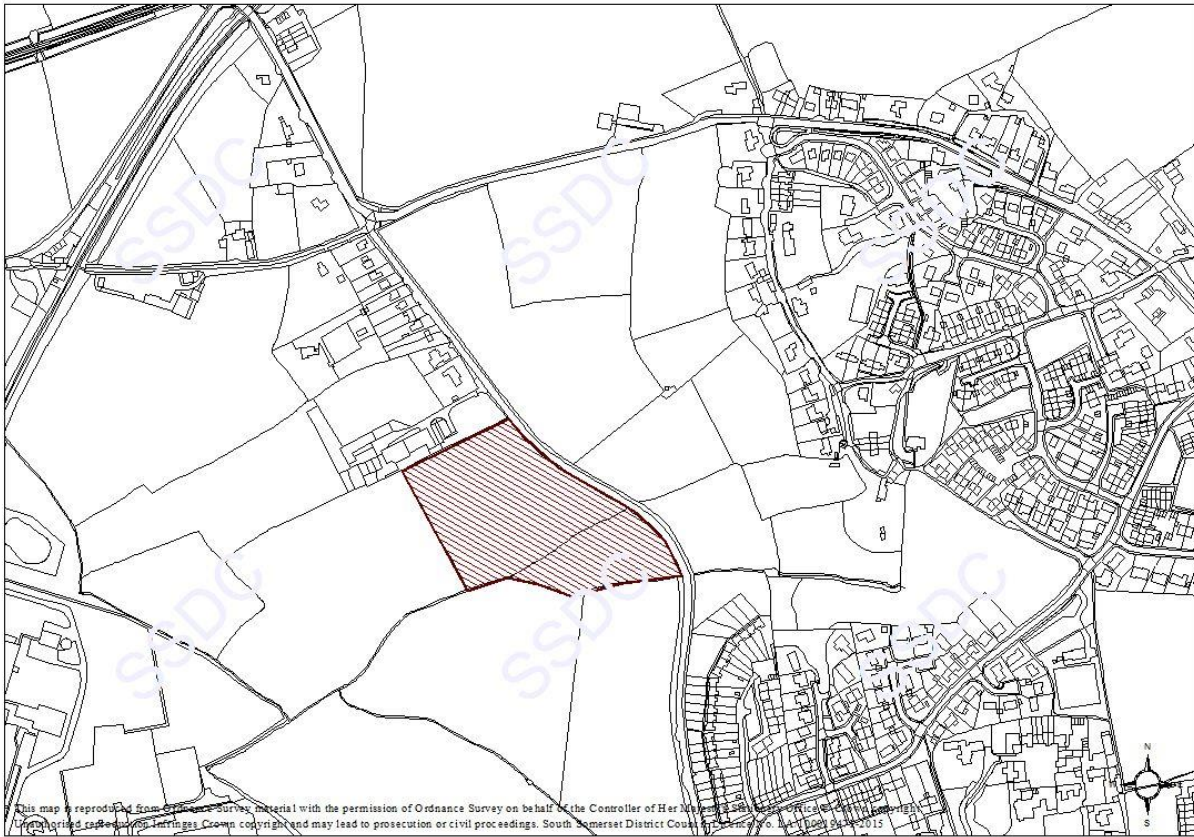
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|---------------------------------------|--|
| <b>Proposal :</b>                     | Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (GR: 363426/132833) |
| <b>Site Address:</b>                  | Land At Station Road Castle Cary   |
| <b>Parish:</b>                        | Ansford  |
| <b>CARY Ward (SSDC Member)</b>        | Cllr Nick Weeks Cllr Henry Hobhouse  |
| <b>Recommending Case Officer:</b>     | Adrian Noon<br>Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk   |
| <b>Target date :</b>                  | 10th August 2015   |
| <b>Applicant :</b>                    | The Silverwood Partnership   |
| <b>Agent:<br/>(no agent if blank)</b> | Laura Wilkinson D2 Planning, Suites 3 And 4, Westbury Court, Church Road, Westbury On Trym, Bristol, BS9 3EF                       |
| <b>Application Type :</b>             | Major Dwlgs 10 or more or site 0.5ha+  |

### **REASON FOR REFERRAL TO COMMITTEE**

This application is referred to committee at the suggestion of the Development Manager with the agreement of the Chair to enable the local issues raised to be debated and for Members to (a) determine this application and (b) make a resolution with respect to the appeal against the non-determination of the previous application on this site.

### **SITE DESCRIPTION AND PROPOSAL**





This 2.5 hectare site lies on the west side of Station Road and comprises 2 fields, with hedgerow boundaries, in agricultural use (grades 1 and 3a) within the Castle Cary Direction of Growth for the town as set out in Policy LMT1 of the South Somerset Local Plan (2006 – 2028). The land slopes gently to the west and is bounded by agricultural land (also within the Direction of Growth) to the south and west, the buildings at Wayside Farm to the north and Station Road to the east. Residential development has been approved on the opposite side of the road at Well Farm.

There is a public right of way across the site running east/west parallel to the southern boundary and leads to an uncontrolled footcrossing over the Weymouth/Bristol rail line to the west.

The proposal, which is an identical resubmission of a previous application (14/02906/OUT), seeks outline permission for up to 75 with an access from Station Road positioned in towards the northern end of the road frontage. All other matters are 'reserved'.

The application is supported by:-

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Cumulative Traffic Assessment
- Statement of Community Engagement
- Preliminary Landscape and Visual Appraisal
- Affordable Housing Statement
- Ecological Appraisal and Protected Species Survey
- Surface Water Drainage and Flood Risk assessment
- Odour assessment

- Detailed drawing of the proposed access

Draft heads of terms have been submitted in anticipation of planning obligations in respect of affordable housing, education, open space and highways. An additional briefing note has been provided (04/06/15) in response to suggestions that an HGV route be provided from the Torbay Road industrial area to Station Road.

#### **PLANNING HISTORY:**

14/02906/OUT Up to 75 dwellings on land to the west of Station Road, Castle Cary. Appeal lodged against non-determination.

15/00461/EIASS Negative Screening Opinion given (13/02/15), this concluded that:-

*“the proposed development of up to 75 houses 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.”*

#### **OTHER RELEVANT SCHEMES**

There are a number of schemes for residential development within the Castle Cary Direction of Growth, namely

13/03593/OUT Outline approval for residential development at Well Farm, Lower Ansford. An application for the approval of reserved matters for up to 40 dwellings has now been submitted (15/03441/REM).

14/02020/OUT Outline planning permission refused:-

*It has not been adequately demonstrated that the local road network can satisfactorily accommodate the level of traffic likely to be generated by this development without severe adverse impact on highways safety. As such the proposal is contrary to policy TA5 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.*

An appeal has been lodged against this refusal. At the time of writing this has not been validated, however a resubmission to the Council is pending determination (15/02347/OUT).

14/05623/OUT Up to 125 dwellings at Wayside Farm, Station Road, Castle Cary. Appeal lodged against non-determination. A resubmission has been lodged with the Council (15/04066/OUT) – decision pending.

15/00519/OUT Up to 75 dwellings on land east of Station Road. Appeal lodged against non-determination. A resubmission has been lodged with the Council (15/02415/OUT) – decision pending.

The Planning Inspectorate have agreed to a co-joined public inquiry (at a date to be confirmed) to consider all 4 appeals within the Direction of Growth.

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

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

15/00372/CPO           County resolution to approve a waste transfer station at Dimmer Waste Management Centre subject to s106.

## **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

SS3 – 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 March 2015 59 dwellings had been completed in the first 9 years of the plan period, with a further 99 committed (i.e. under construction or with extant permission), meaning that there is a need for at least further 216 dwellings 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

### **Other Material Considerations**

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

### **CONSULTATIONS**

**Ansford Parish Council** – initially recommended refusal:-

- *Traffic & Highway safety - Concern were raised re the access for the proposed development out onto the already busy Station Road - with regard to both safety at the location of the proposed access and overloading of the existing local traffic infrastructure.*
- *Overloading of existing drainage & sewerage infrastructure*
- *This application is not consistent with the development plan for the area - Proposed development is outside of the existing development boundary and a greenfield site isolated at some distance to the centre of the village of Ansford.*
- *Scale of the development - A development of up to 75 dwellings is too large for a village the size of Ansford.*
- *No Ansford specific housing needs survey has taken place and concerns were raised with regard to there being enough industry within the local area to support this level of growth along with queries that no information as to proposed levels of affordable housing being provided.*

Concerns raised that the housing land supply required for the area would be 112 whereas the current total for applications reached 325 homes - therefore this application would increase the oversupply for the area.

**Castle Cary Town Council (adjoining)** – originally objected on the grounds of an inaccurate

traffic assessment, lack of employment provision, lack of necessary infrastructure and risk to road safety. Concerns also raised regarding the character of the land and area. Following discussions with the developer the Town Council consider:-

Subsequently the Town council has reviewed its position and provided the following statement:-

*“There have been five outline planning applications (480 houses in total) within the area around Station Road and Torbay Road that have been submitted to Castle Cary Town Council and Ansford Parish Council for their approval during the past five months. However because four of these have not been supported, they have all been taken to appeal.*

*“Government policy (National Planning Policy Framework) dictates that Planning Inspectors should support development unless there is a clear and defensible reason for not doing so. Furthermore, South Somerset District Council is unable to demonstrate that they have a 5year supply of housing land as required by the NPPF. As such, the council is in a weaker position to resist housing schemes that do not have a significant adverse impact. This means that Castle Cary could end up with far more dwellings than the 378 we are required to have built between 2009 and 2028 according to the South Somerset District Council local plan.*

*“If the Planning Inspectorate approves the applications, the houses will be built and the ability for the community to influence the development will be severely restricted if not totally eroded.*

*“Castle Cary Town Council recognises that some development is necessary for the town and with this in mind the planning committee met to discuss and reconsider their previous decisions on the planning applications for the land south of Station Road and west of Torbay Road.*

*“The first application (reference 15/02347/OUT) to build 165 houses, provide employment land and possibly build a new Primary school has been resubmitted by Jones Lang LaSalle Ltd on behalf of Donne Holdings and Somerset County Council. There have been ongoing negotiations with the agent, Mr James McMurdo which have recently resulted in some agreed conditions that have enabled Castle Cary Town Council to support this outline application. It will now proceed to Area East in October.*

*“The second application (reference 15/02388/OUT) to build 75 houses again resulted in negotiations with Mr Kevin Bird of the Silverwood Partnership and the agreed conditions have meant that Castle Cary Town Council will support the application and it too will proceed to Area East.*

*“We believe that supporting and influencing these two initial applications is the only way we can defend Castle Cary against other inappropriate applications which have been submitted and limit the size of housing developments to a more acceptable level for the town.”*

**SCC Highways Officer** - has reviewed the submission and considered the overall benefits and dis-benefits of this proposal and concludes that there is no highway reason why permission could not be granted subject to the S106 obligations to secure the off-site highways works and travel plan measures and conditions to safeguard highways safety.

**SSDC Policy Officer** – offers the following comments:-

The starting point for decision-making remains the statutory development plan, which is the

South Somerset Local Plan (2006 – 2028).

In reaching a conclusion on whether the proposal is or is not in accordance with the development, having regard to material considerations, the decision-maker will have to take account of the following points:

- Policy SS1 identifies Ansford/Castle Cary as a 'Local Market Town'. It sets out Ansford/Castle Cary's position in the settlement strategy relative to the other larger and smaller settlements in the district. Policy SS1 sets the framework for achieving the levels of growth set out in Policy SS3 and Policy SS5, and the settlement-specific policies elsewhere in the local plan, namely for this proposal, Policy LMT1.
- Policy SS3 includes a requirement for an additional 8.9 hectares of employment land at Ansford/Castle Cary. The proposal does not include any provision for land for economic development.
- Policy SS5 sets out the overall housing requirement for South Somerset, and the specific housing targets for each main settlement. For Ansford/Castle Cary it advocates the delivery of at least 374 dwellings over the plan period and outlines a 'permissive approach' (prior to the adoption of the Site Allocations Development Plan Document) for the consideration of planning applications 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.
- Policy SS5 is clear that the scale of growth established for each settlement and the wider policy framework will be key considerations in carrying out the permissive approach, with an emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. As such, the overall scale of growth identified for Ansford/Castle Cary and its role as a 'Local Market Town' in the context of the other settlements in the district, and specifically the 'Primary Market Towns' and 'Rural Centres' is a critical determinant.
- Policy LMT1 and Local Plan Inset Map 1 identify the 'Direction of Growth' for Ansford /Castle Cary. Policy LMT1 states that development for housing, employment and education will be north of Torbay Road and East and West of Station Road. As part of any growth proposal a road will be expected to be provided between Station Road and Torbay Road prior to the completion of the expansion. It is noted that the proposal is within the Direction of Growth, but does not provide for any land for employment or education. It can help facilitate a link between Torbay Road and Station Road through collaboration with the landowner to the south.

The NPPF is a material consideration in decision-making. The NPPF, at Paragraph 49, states that housing applications should be considered in the context of the presumption of in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.

As noted above, the Council is currently unable to demonstrate a five-year supply of housing sites. Accordingly, those policies relevant to the supply of housing should not be considered up-to-date.

In this circumstance, Paragraph 14 of the NPPF states that for decision taking the presumption in favour of sustainable development means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

However, this is not the end of the matter. The recent High Court ruling by Justice Holgate (*Woodcock Holdings Ltd, CO/4594/2014*) (May 2015) confirms that regard still needs to be had to policies deemed to be out-of-date, and they are not simply to be ignored or disavowed. The ruling also re-iterates that the weight that should be attributed to policies relevant to the supply of housing, which are not up-to-date by effect of Paragraph 49 of the NPPF, is not defined. The ruling goes on to state that the weight which should be assigned to policies is a matter for the decision-maker to reach a conclusion on, based upon the severity of the shortfall, the reasons for the shortfall, and other relevant circumstances e.g. action being taken by the LPA to release land for housing to address the shortfall.

In reaching a conclusion on this proposal, it will be important for the decision-maker to consider the effect of Paragraph 49 and Paragraph 14 of the NPPF, and therefore what weight should be attributed to the policies relevant to the supply of housing in order to judge the degree of conflict with those policies.

Considering the application individually, and on its merits, the scale of development proposed (75 dwellings) is in accordance with Policy SS1 and Policy SS5. The proposal is within the Direction of Growth identified for Ansford/Castle Cary, but does not make provision for land for employment or education. It does help facilitate a link between Torbay Road and Station Road through collaboration with the landowner to the south, and is therefore broadly in accordance with Policy LMT1.

The decision-maker should be mindful of the cumulative impact of this proposal in conjunction with the other development proposals currently being considered in Ansford/Castle Cary. Having regard to previous completions, existing developments with planning permission, and those under consideration; the effect of this proposal would be to take the proposed scale of growth in Ansford/Castle Cary to 598 dwellings. This would represent a 60% increase over and above the planned level of growth for Ansford/Castle Cary as set out in Policy SS5 of the local plan. This cumulative level of growth would represent a substantial departure from Policy SS5 and would serve to undermine the balanced sustainable growth strategy set out in both Policy SS5 and Policy SS1.

It is accept that the concept of “at least” within Policy SS5 implies a degree of variance to the target figure of 374 dwellings for Ansford/Castle Cary. However, the figure is intended to cover the whole plan period and to confirm the proposed cumulative level of growth would mean that Ansford/Castle Cary is subject to development that exceeds its overall requirement by 224 dwellings or 60%, after only nine years of the local plan period.

Any notion that a greater proportion of housing within lower tier settlements can assist in making up shortfalls in housing provision elsewhere in the district would appear to undermine the strategy of directing large-scale growth towards the main settlements in the district as founded in Policy SS1 and Policy SS5. To do so would place in jeopardy the sustainable



growth strategy clearly set out in Policy SS1 and would therefore be contrary to the development plan, and contrary to the core principle of the NPPF which supports the plan-led system.

It is advocated therefore, but only on a cumulative basis, that the harms generated by this development, in terms of its contribution to the substantial increase in development, over and above the figures set out in Policy SS5, would lead to the disruption and dilution of the strategy set out in Policy SS1, and in so doing would significantly and demonstrably outweigh the benefits of the proposal.

**Area Development** – no comments received.

**SCC Drainage (as LLFA):** comments awaited. It is noted that previously no drainage concerns were raised by previous consultees.

**SDDC Landscape Architect** – no objection:-

*“The issue of cumulative impact has been raised. I note that the emerging local plan sets out a minimum target of 374 houses for the (combined) settlement within the plan period, and the last advice I had received was that once current residential commitments are factored in, there remains a shortfall of 218 houses (though this figure may have changed in recent weeks). There is a current application to the immediate south of this site, i.e; app no. 15/02347 - Land off Torbay road, which also lays within the D-O-G and offers the potential delivery of 165 houses. In tandem with this site, the shortfall of housing is potentially reached and slightly exceeded. Whilst the two sites together is a substantial development footprint for the town to accommodate, there is also advantage in concentrating development growth in a single area, to thereby leave other arguably more sensitive margins of the settlement undisturbed. Consequently I do not raise landscape grounds as a basis for refusal to the principle of development of this site, though should this proposal proceed to a reserved matters application, I would wish to see a sympathetic relationship developed along the interface of the two sites.”*

**SCC Education Officer** – notes other proposals in Castle Cary and considers that

*“The local primary school will not have sufficient capacity to cater for these developments, so it will therefore be necessary to secure financial contributions through Section 106 of the Planning Act to provide enhanced educational facilities.*

*“A development of 75 dwellings creates the need for 15 school places, with a notional cost per place of £12,257, so contributions totalling £183,855 should be sought in this case in the event that the application is approved.”*

**SDDC Housing Officer** – requests that 35% (rounded up to next whole number) should be provided as affordable housing with a minimum of two thirds (rounded up to next whole number) to be ‘social’ rent. Remainder could be other forms of affordable housing e.g. shared equity, market rent etc. Minimum space standards and pepper potting throughout site should be agreed. Where flats are to be provided they should have the outward appearance of houses, not monolithic blocks. Based on a schem of 75 houses the following mix of units is suggested:-

- 10 x 1 bed
- 10 x 2 bed
- 5 x 3 bed
- 1 x 4 bed

**Leisure Policy:** Note that there are 4 applications within the Direction of Growth and suggest that the following contributions are sought:-

- 15/02347/OUT Torbay Road 165 dwellings – on site large LEAP play area, on or off site youth facilities, all other obligations off site
- 15/04066/OUT Wayside Farm 125 dwellings - on site large LEAP play area, on or off site youth facilities, all other obligations off site
- 15/02388/OUT Land west of Station Road 75 dwellings - on site LEAP play area, on or off site youth facilities, all other obligations off site
- 15/02415/OUT Land east of Station Road 75 dwellings - on site LEAP play area, on or off site youth facilities, all other obligations off site

Also in this area is the approved application 13/03593/OUT Well Farm for 38 dwellings from which we sought off site contributions.

*Ideally, we would like to be able to agree a single masterplan covering whichever sites are approved, so we can plan the location of the on-site facilities. For example if all the applications were approved, based on a total of 478 dwellings, we would aim to have a smaller number of larger on site facilities, particularly the equipped play and youth facilities in locations that serve one or more of the sites as follows:*

- *Equipped play areas – 2 large play areas, 1 x NEAP and 1 x LEAP to cover the Station Road area*
- *Youth facilities – 1 youth facility such as a MUGA or skate park centrally located to cover this area*
- *Playing pitches and changing rooms – a scheme of nearly 500 dwellings could warrant some on site provision – approximately 2 senior football pitches and associated changing rooms, located on a single site, or off site contributions – this would require further consultation locally.*
- *Community halls – We would probably still seek off site contributions to improve existing provision in Castle Cary/Ansford, rather than a new hall*

*This would also apply if for example 2 of the sites were approved, then again it would be preferable to be able to masterplan the on-site provision to best serve these 2 sites, rather than looking at each site individually.*

*The strategic distribution of facilities would either require us to plan the position of the on-site facilities at the edges of adjoining sites so that each site provides the required land and these are joined together to create a larger facility, centrally located to serve both developments. Alternatively, one or two sites give up more land to provide these larger facilities, and in order to compensate for this, we would seek land acquisition costs from the other sites in addition to the capital and commuted sum contributions.*

Looked at in isolation it is suggested that this scheme provides an on-site LEAP of at least 500m<sup>2</sup> with 30m buffer zone to be provided and maintained by the developer. Contributions towards off-site mitigation measures to address increased demand for sport and recreation facilities are sought as follows:

- £12,500 towards provision of new youth facilities in Castle Cary/Ansford;
- £29,366 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
- £59,622 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;

- £38,474 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
- £30,372 as a commuted sum towards the local facilities.
- Monitoring fee based on 1% of total

**SSDC Ecologist – no objection subject to a condition to secure enhancements to biodiversity.**

**SSDC Climate Change Officer – no objection subject to consideration solar orientation and the use of photovoltaics at the reserved matters stage.**

**SSDC Tree Officer – no objection subject to serving a provisional TPO on the most ‘valuable’ trees and a condition to agree tree protection measures.**

**SSDC Environmental Protect Officer – no objection subject to safeguarding conditions to minimise disruption during the construction phase.**

**SSDC Open Spaces Officer – no objection subject to consideration of the on-site open space at the reserved matters stage.**

**SCC Rights of Way – no objection subject to an informative to remind developer not to obstruct the rights of way and to secure an necessary diversion order.**

**SCC Archaeologist – accepts that there are limited or no archaeological implications and raises no objection.**

**Wessex Water:** Confirms that there is capacity in the sewage treatment to accommodate predicted flows. Whilst there is limited capacity in the existing water supply network, this can be addressed by a Section 41 Agreement under the Water Industry Act. Notes that there are public foul sewers crossing the site and advises that there should be no building within 3m or tree planting with 6m of these. No objection subject to conditions to agree detail of foul water and surface water, the technical detail of which would also be looked at through Wessex Water’s adoption procedures.

**Wales & West Utilities – no objection in relation gas pipes.**

**Somerset Wildlife Trust – accepts the findings and recommendation of Ecological Appraisal and Protected Species Survey, recommends the inclusion bird boxes, appropriate landscaping and measures to minimise light pollution.**

**Network Rail – no objection or further observations to make.**

## **REPRESENTATIONS**

8 letters have been received raising the following concerns:-

- Inadequate traffic assessments
- Loss of high quality agricultural land/countryside
- Brownfield land should be used first
- Loss of habitat
- Lack of employment land
- Poor access arrangements
- Traffic impact on town centre

- Inadequate road network in Castle Cary/Ansford, particularly the B3153
- Impact on overstretched local services
- The town needs to grow but there too many houses proposed
- A neighbourhood plan should be produced first
- 'New villages' should be built

## CONSIDERATIONS

This application has been submitted to invite the District Council to reconsider the proposal. The application is identical to that previously provided. The current inability of the Council to demonstrate a deliverable 5 year housing land supply is a material change in circumstances and is consider below.

### Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 – 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

The lack of a five-year housing land supply means that relevant policies relating to the supply of housing should not be considered up-to-date. As such, proposals fall to be determined in light of Paragraph 14 which states that were development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion, the relative weight to be attached to policies relevant to the supply which are no longer up-to-date needs to borne in mind; and used in addition to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance, the site is within the Direction of Growth (identified by Policy LMT1). As such, whatever weight is to be attributed to Policy LMT1 due to the lack of a five-year housing land supply, the principle of development in this location is not disputed.

Based upon the comments provided above, on an individual basis the proposal is not contrary to Policy SS1 or Policy SS5.

However, it is important to have regard to the cumulative impact of the proposed scale of growth in Ansford/Castle Cary. On this basis, the proposed 4 schemes, if all were to be approved, would give rise to conflicts with Policy SS5 by virtue of generating a scale of development which is 60% higher than envisaged; and with Policy SS1 as it would threaten the overall settlement strategy for delivering growth across the district.

Nevertheless the benefits in terms of delivering 75 additional dwellings must be afforded considerable weight in the 'planning balance' to be struck between any harmful impacts stemming from this proposal and the acknowledged benefits.

Notwithstanding local concerns it is accepted that no technical consultee has raised an objection to this proposal, in its own right or cumulatively with the other schemes pending

determination within the Direction of Growth, in terms of highways impact, drainage, ecology or archaeology. Furthermore no infrastructure provider has objected to the scheme.

Accordingly subject to appropriate conditions and a S106 agreement to secure planning obligations in relation to education, affordable housing and leisure it is considered that no significant harm would arise in respect to these areas of concern.

Concerns have been raised with regard to the cumulative levels of development proposed within Castle Cary/Ansford and to the landscape impact of this proposal. There is also considerable local concern over the highways impact of the proposals with the Do. Notwithstanding the foregoing, this warrants specific consideration.

### **5 Year Housing Land Supply**

Without a 5 year housing land supply paragraph 49 of the NNPF states that "*policies for the supply of housing should not be considered up-to-date*". In this instance it is accepted that policy LMT1, which seeks to direct housing development in Castle Cary Direction to the Direction of Growth, is affected, with further implications for the interpretation of policies SS1 and SS5.

As such proposals fall to be determined in light of paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

In this instance the site is within the Direction of Growth (DoG) allocated in the local plan for Ansford/Castle Cary. As such with or without a 5 years housing land supply the principle of development is not disputed. Nevertheless the benefits in terms of delivering 75 additional housing must be afforded considerable weight in the 'planning balance' to be struck between any harmful impacts stemming from this proposal and the acknowledged benefits.

### **Cumulative Impact of Level of Development in Castle Cary/Ansford**

Policies SS1 and SS5 set the settlement strategy and levels of growth respectively. It is not considered that these policies are automatically rendered out-of-date by the lack of a five year housing land supply. SS1, in designating Castle Cary/Ansford a 'Market Town' within the hierarchy of settlements, has taken into account:-

*"...the range of important roles a settlement fulfills in their local setting, in particular, where they provide jobs and services for their residents, and the residents of the surrounding areas and elsewhere. These towns are the focal points for locally significant development including the bulk of the district's housing provision outside Yeovil. This growth aims to increase the self- containment of these settlements and enhance their service role, reflecting the aspirations of national policy in promoting stronger communities."* (para. 5.19, SSLP 2006-28)

Neither this proposal, nor any of the proposals within the DoG, would change the services and facilities available in Castle Cary/Ansford beyond what is allocated in the local plan for this Local Market Town. Accordingly it is not considered that there is any justification to re-designate the town to a higher tier within the hierarchy of settlements simply because the Council cannot currently designate a 5 year housing land supply.

The level of growth across the District is set out in Policy SS5. The figure of 374 for Castle

Cary/Ansford is a minimum and any growth above this should be assessed on its merits. The current lack of a 5 year housing land supply is a material consideration of considerable weight however, it does not negate the local plan figure, or the permissive approach to applications within the DoG, which are considered to still have weight.

As at March 2015, 59 dwellings had been completed over the first 9 years of the plan period. A further 99 dwellings are committed, leaving at least 216 to be delivered over the remainder of the plan period. If permission were to be granted for all current proposals it would take the total number of houses committed in Ansford/Castle Cary to 598, 60% higher than that set out in Policy SS5. This is in excess of Ilminster's expected housing requirement figure (496 dwellings), even though Ilminster is categorised as a Primary Market Town.

Notwithstanding the lack of infrastructure concerns, as noted by the policy officer, the overall scale of growth may lead to a scale of housing growth that could threaten the settlement hierarchy and lead to an unsustainable pattern of growth. The level and pattern of growth and identified in the local plan has been subject to a detailed sustainability appraisal. Development fundamentally at odds with this plan has the potential to cause issues such as perpetuating out-commuting, deficits in infrastructure capacity and harm to the character of the settlement.

The submission of 4 separate applications, with no phased linkages, complicates consideration of the cumulative impact. As identified above there are clear concerns regarding the potential impacts should all 4 current schemes be approved. However, there are no guarantees that all approved schemes would be implemented. The local planning authority must therefore consider what would be a reasonable approach to the assessment of the potential cumulative impact.

Of the current proposals applications this proposal and the adjacent scheme (15/02347/OUT) have the advantage of being best located adjacent to the existing limits of development, bringing forward the range and type of development commensurate with policy LMT1 and proposing a level of residential development (240) that would only moderately exceed the level of envisaged by SS5. The proposal on the east side of station Road (15/02415/OUT) and that at Wayside Farm 15/04066/OUT do not relate well to the existing built form of Castle Cary/Ansford.

Accordingly it is considered that this proposal, which sits adjacent to the built edge of Castle Cary, and delivers a site for a new school, employment land, a link road and a level of development commensurate with that envisaged by policy LMT1 is acceptable subject to consideration of the detailed impacts. Other applications, further out into the DoG would need to be determined on the basis of their merits.

#### **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 reasonable 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 in the context of the previous submission and to address possible cumulative impacts identified by the screening process. Furthermore there are, in total, 3 traffic assessments submitted with the current applications in the Direction of Growth.

The County highways authority has looked at all three assessments and raises no objection to the detail of either point of access for which full approval is currently sought, nor have they objected to the wider impacts of additional traffic movements for example within the town or on South Cary Lane or along the A3153. Whilst the Committee have not previously accepted this position 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.

On this basis, subject to the conditions suggested by the highways authority it is considered that the highways impacts of the proposal would not be severe and as such the scheme complies with policies LMT1, TA5 and TA6 and the policies contained within the NPPF.

With regard to the link road, whilst there may be an aspiration for a new road to directly link the existing employment area to Station Road is this not specified by policy LMT1 which simply states that a link between Torbay Road and Station Road should be provided. The county highway authority does not require an alternative to Blackworthy Road as a means of access to the industrial area and 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.

The applicant points to the need for improvements to the junction of Station Road and the A371 should HGV traffic be directed towards Station Road. Such works would require third party land which is not in the ownership of either the applicant or the highway authority. Additionally any HGV access to Station Road would require a new junction to the north on the bend on Station Road as the alignment of the road prevents two HGVs passing safely. This land is not in the applicant's ownership. Finally there is a ransom strip between the existing employment land and the site which makes the delivery of a road in this position unviable.

## **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.

The preference to retain the school in the town centre is understandable. 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 along with an on-site LEAP equating to an overall total of £172,036 or £2,294 per dwelling.

The county council requests an education contribution of £183,855 together with Travel Planning measures.

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 impact 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, and with or without a 5 years housing land supply the proposal is considered to be an acceptable form of development that would deliver much needed housing in accordance with the policies of the Local Plan, and the aims and provisions of the NPPF.

### **RECOMMENDATION**

- (a) That, application reference 15/02388/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:-
  - (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
    - £12,500 towards provision of new youth facilities in Castle Cary/Ansford;
    - £29,366 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
    - £59,622 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;

- £38,474 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
  - £30,372 as a commuted sum towards the local facilities.
  - Monitoring fee based on 1% of total
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.
- (iv) an education contribution of £183,855 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (v) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority

and the following conditions.

- (b) That no evidence be offered in relation to the appeal against the non-determination of application 14/02906/OUT, subject to the completion of a S106 agreement as outlined above.

**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 up to 75 dwellings would 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 on the location plan submitted with the application received 11/05/15.

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

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site 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. 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 and a time scale for delivery of all such measures, 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.

08. 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.

09. 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.

10. 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.

11. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundary with the adjoining land to the south. 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.

12. The access to the site shall be formed generally in accordance with the details shown on drawing 01, the full details of which shall be submitted to and approved in writing by the local planning authority prior to its commencement.

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

13. No works shall commence on the development hereby permitted until details of the off-site highway works shown on the submitted drawings have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

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

14. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of both accesses and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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 be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, the details of the phasing of the development hereby approved. Such phasing shall take into account any other development within the Direction of Growth for which planning permission has been granted or for which there is a resolution to approve.

Reason: In the interest of securing the proposal phased and planned growth of Castle Cary in accordance with policy LMT1 and the policies contained within the National planning Policy Framework.

#### 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 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.
3. You are reminded that parking provision should be in line with the Somerset County Council Parking Strategy.
4. 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.
5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.