

Officer Report On Planning Application: 15/04066/OUT

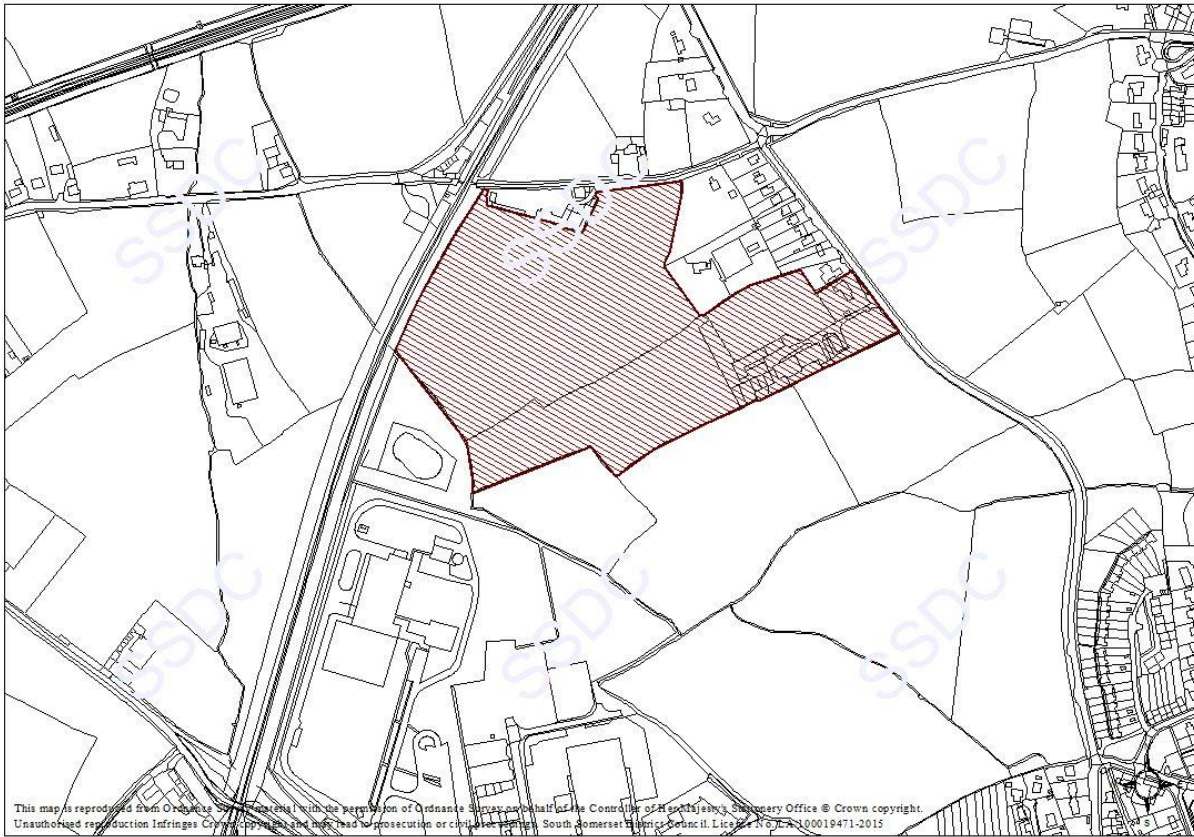
Proposal :	Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure (Revised Application) (GR:363386/132973)
Site Address:	Wayside Farm Station Road Ansford
Parish:	Ansford
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	7th December 2015
Applicant :	Mr Gerry Keay
Agent: (no agent if blank)	Mr Mark Scoot Maypool House, Maypool, Brixham, Devon TQ5 0ET
Application Type :	Major Dwlg 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 7.57 hectare site lies to the rear of the row of dwellings at the northern end Station Road and its junction with the A371. It comprises two agricultural fields (grade 3b) and the farm house and buildings of wayside Farm and is bounded by the railway line to the west, an unclassified green land to the north, Station Road to the east and agricultural land to the south. It is within the 'Direction of Growth' (DoG) for the town as set out in Policy LMT1 of the South Somerset Local Plan (2006 – 2028).

The proposal seeks outline permission for up to 125 house houses together with associated landscaping, access and infrastructure. Detailed approval is sought for a single point of access from Station Road in roughly the same position as the existing access to Wayside Farm, with an emergency only point of access via the lane to the north of the site. The application is a resubmission of a previous, identical proposal (14/05623/OUT) that is currently subject to an appeal against non-determination.

The application is supported by:-

- Illustrative Masterplan
- Planning Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Heritage Assessment
- Flood Risk and Drainage Statement
- Land condition study
- Ecological Appraisal

PLANNING HISTORY:

53065a Permission refused for residential development and access (23/06/61).

This refusal covered a larger site. Subsequently this site was omitted and approvals were given covering the land to the east.

821360 & 822083 Outline and reserved matters approval for an agricultural workers bungalow

14/05623/OUT Up to 125 dwellings at Wayside Farm, Station Road, Castle Cary. Appeal lodged against non-determination.

15/00043/EIASS Negative Screening Opinion given – Environmental Impact Assessment not required this concluded:-

“the proposed development of up to 125 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”.

An assessment of potential cumulative traffic impact requested to support the application.

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).

14/02906/OUT Up to 75 dwellings on land to the west of Station Road, Castle Cary. Appeal lodged against non-determination. A resubmission has been lodged with the Council (15/02388/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 – strongly recommend refusal citing the following concerns:

- *Access - There is a single vehicular access onto station road for the total 125 dwellings proposed. There are continued concerns with regard to the potential increase of traffic onto this road with regard to both safety and the ability of the existing local network to cope.*
- *Housings numbers - Applications within the area of Ansford [& cary] are already in excess of the total housing numbers allocated within the District Local Plan and this is an unnecessary development with the potential to create an oversupply.*
- *The Station Road Area requires a sustainable & co-ordinated development approach and council requests that a CUMULATIVE environmental impact assessment is produced*
- *This development would result in the loss of a potential employment area.*
- *This would be an isolated development far from the existing community provisions of Ansford and the local market town.*
- *The topography of the site has not been fully taken into consideration*

- *The capacity of the existing main sewer drainage needs to be fully investigated*
- *The proposed sustainable urban drainage system - Should any development proceed at this site it is **essential** that a condition be placed **with the developer** for the ongoing maintenance and upkeep of **any** sustainable urban drainage system **in perpetuity**.*
- *Proposed layout provides insufficient amenity space in relation to the number of homes.*
- *Proposed layout is sprawling and full of scattered 'cul de sac's' - not good for security or neighbourliness.*
- *Clear and well surfaced separate cycleways and footpaths are required.*
- *The road layout appears to be the main decider of the design and not appropriate*
- *Parking is unclear*
- *Overall the proposed development does not comply with the South Somerset District Council Guidelines for housing developments with regard to the relationship of houses to each other and the surrounding area.*

Castle Cary Town Council (adjoining) – have provided the following statement in relation to the current proposals in Castle Cary/Ansford:-

“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.”

SSDC Landscape Architect – does not support:-

“In terms of landscape context, the fields lay within the scope of the peripheral landscape study (PLS) of Castle Cary (and Ansford) which was undertaken during May 2008. This study reviewed the settlement’s immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town’s peripheral landscape, and the visual profile and relationship of open land adjacent the town’s edge.

“The outcome of the study is represented by ‘figure 5 – landscape capacity’, which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are the subject of this application are evaluated as having both a moderate capacity to accommodate built development, and a lesser area with moderate to low capacity. Whilst this evaluation indicates some limited scope for development, the application site was not identified as the favoured location for development presence adjacent the town by the PLS. It is acknowledged however, that the site is a field’s distance from the area highlighted as having potential for development by the peripheral landscape study, and it lays within the direction of growth (DoG) proposed by the emerging local plan, which could be taken to infer that an appropriately balanced development proposal might be permissible to meet the scale of development proposed for Castle Cary (& Ansford) by the local plan. However, D’soG are not indicative of built development alone, and without the re-assurance of a masterplan or cumulative impact assessment for the DoG, there is the potential that development of this site could adversely impact upon the character of both Ansford and Castle Cary and the open setting of their surrounds.

“The application’s design and access statement includes a brief landscape appraisal, which notes that the fields are low-laying; adjacent urbanising features – primarily the pet food factory to the southwest - and considered to be of low visual sensitivity. I would agree that the site’s visibility is relatively low profile, given its vale base location, however, the site is divorced from the town’s current edge, and lays below Ansford’s general elevation, and in that respect, it is not currently well-related to the town’s form. Should the two adjacent sites gain a consent and be built out, then there becomes a relationship of new build with this site, albeit tenuous, for whilst all 3 sites lay within the same landscape setting, it is noted that the sites only abutt along a short stretch of the south-eastern boundary, and this proposal provides a substantial cluster of new build in a location that lays aside from Ansford village, and beyond the north tip of potential urban form spreading north from Castle Cary.

“This is not a straightforward site to evaluate, as there are a number of potential development scenarios against which to judge it, and nowhere do we have a cumulative impact assessment before us to include the two sites to the south/southeast. On its own, the site sits in isolation from both existing settlements, and its development would be at variance with local settlement character, and extend into the wider agricultural landscape, as such failing to respect local context and distinctiveness as required by LP policy EQ2. Conversely, if the 2 sites to the south are consented, then in revisiting the PLS with a brief to identify a tract of land with a capacity to accommodate a minimum of 216 houses to fulfil the LP’s expectations, then it is these two sites to the south of this application site that are indicated as being best-placed to accept development of such a scale, without need for the site before us. Whilst the overall landscape context, in being at low elevation; abutting built development on much of the collective boundary; contained by the emphatic line of the rail corridor; and limited in its zone of visual influence, suggests that the aggregation of the 3 sites may have a capacity to accommodate a larger development quantum, without either a cumulative impact

appraisal, or a full masterplan for the DoG to substantiate such a case, I do not have the evidence to provide re-assurance that a consent of this scheme, along with the two to the south, will provide a scale and form of development appropriate for Ansford and Castle Cary and its landscape setting. Consequently I am unable to offer landscape support for this application”.

SCC Highway Authority – comments awaited at time of writing (did not previously object).

SSDC Planning Policy – comment as follows:-

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. The location of the scheme means it does not facilitate a link between Station Road and Torbay Road.

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 (125 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, and is therefore not fully 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 Ansford/Castle Cary 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.

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 onsite 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 500m² with 30m buffer zone. Contributions towards off-site mitigation measures to address increased demand for sport and recreation facilities are sought as follows:

- £20,0833 towards provision of new youth facilities in Castle Cary/Ansford;
- £48,943 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
- £99,369 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;
- £64,123 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
- £50,619 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 £106,100 and that a commuted sum of £61,285 should be provided.

SSDC 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. The following mix is requested (on the basis of 125 units):-

- 10 x 1 bed
- 20 x 2 bed
- 13 x 3 bed
- 1 x 4 bed

SCC Education Officer – no comments received at the time of writing. Previous suggested that 125 dwellings would create the demand for 25 additional primary school places at a cost of £12,257 per place, a total of £306,425.

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

Environment Agency – no objection subject to safeguarding conditions.

Natural England – no comments to make on this application.

Somerset Wildlife Trust – no objection subject to conditions to secure the detail of biodiversity/ecological enhancements and to minimise light pollution.

SSDC Climate Change Officer – objects to layout which does not maximise the potential for solar gain.

SSDC Ecologist – no objection subject to a condition to secure enhancements to biodiversity and informative regarding site clearance and the need for updated ecology surveys at reserved matters stage.

Wessex Water – notes presence of pumping station at Wayside Farm the operation of which will need to be considered as part of the drainage strategy for the site. Given the proximity of the railway line Network Rail's agreement may be needed when approving the drainage strategy. Has confirmed 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. 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.

REPRESENTATIONS

At the time of writing one representation had been received objecting on the grounds of the impacts on wildlife and the impact on the town in terms of additional people and traffic.

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 considered 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 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.*

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 be 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 125 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 125 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.

Landscape Impact

Whilst it is accepted that this site is within then Direction of Growth it does not follow that all of the DoG should be developed. Clearly the overall size of the DoG is far greater than necessary to deliver the minimum level of growth envisaged by policy LMT1. Clearly within the DoG there would be provision for employment land and educational facilities as proposed by LMT1 as well as open space as would be necessary to achieve a satisfactory layout of development. Such provision of open space would also be necessary to soften the edge of the built form where the new edge of the town meets the surrounding countryside. It will also necessary to provide open space to maintain the 'green gap' between to two distinct components of Castle Cary and Ansford.

As noted by the landscape architect, the site sits on its own, isolated from both Castle Cary and Ansford. On its own, the development of this site would be at variance with local settlement character, and extend into the wider agricultural landscape, as such failing to respect local context and distinctiveness as required by policy EQ2. The application provides no certainty that this would not happen, for example by linking or phasing the development way with other schemes within the DoG.

It has been repeatedly suggested to all applicants within the DoG that a comprehensive approach should be adopted but none are willing to work together. Accordingly there can be no

certainty about the phasing of any approved scheme. Whilst this may be less of a problem for sites that abut existing development, it creates a fundamental problem for sites such as this at the far end of the DoG where development in isolation would be in isolation to the detriment of the character and setting of both Ansford and Castle Cary contrary to policy EQ2.

This policy conflict should be balanced against the benefits in terms of the delivery of much need housing (including affordable housing) towards the Council's 5 year housing land supply. If delivered in isolation this proposal would constitute an alien and incongruous development set apart from the built form of the settlement. It is not considered that this clear harm would be outweighed by the benefits stemming from housing delivery to meet the Council's housing shortfall.

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. Policy 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.

As noted in the consideration of the landscape impacts, of the current proposals applications 15/02347/OUT and 15/02388/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 marginally exceed the level of envisaged by SS5.

It has been noted this proposal does not relate well to the existing built form of Castle Cary/Ansford. Accordingly, it is logical to take the view that this scheme, to be acceptable in landscape terms should only come forward as part of, or subsequent to 15/02347/OUT and 15/02388/OUT. If that view is taken the 'cumulative' assessment is of up to 523 dwellings in Castle Cary/Ansford – i.e. the 125 houses proposed by this scheme plus the 158 built/committed and the 240 proposed by applications 15/02347/OUT and 15/02388/OUT. This would 149, or 40%, over the minimum identified. If the 75 housing proposed to the east of Station Road (15/02451/OUT) are added, the 'over provision' would be 224, or 60%.

At this level of development, 40-60% above the minimum suggested by policy SS5 (374), it is considered that the level of growth of Castle Cary/Ansford would out of kilter with its status as a 'local market town' within the hierarchy of settlements across the District as set out by policy SS1. Such over provision of housing within a lower tier settlement would jeopardise the District wide strategy to focus development in the higher tier settlements where there are greater opportunities to strike the appropriate housing/jobs balance. This approach is underpinned by the local plan evidence base which has informed the settlement strategy (SS1) and the policies for the delivery of new growth (SS3 and SS5).

The thrust of this strategy is to deliver the bulk of residential and employment growth in Yeovil (7,441) and the Primary Market Towns – Chard (1,852), Crewkerne (961), Ilminster (496) and Wincanton (703). This strategy has been subject to a sustainability appraisal which supports the policy. To now attribute significantly more growth to a lower tier settlement such as Castle Cary/Ansford would not only run counter to what has been accepted as a sustainable strategy, it would also risk undermining the delivery of the bulk of the District's housing need in the higher tier settlements.

As such the proposal to deliver significant housing in a less sustainable, lower tier settlement, constitutes unsustainable development contrary policies SD1, SS1 and SS5. Such fundamental harm is not outweighed by the benefits in terms of the delivery of housing, including affordable housing, to meet the current short fall.

Highways Impact

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 and includes a detailed consideration of the cumulative impact of all development proposals within the DoG. 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 the 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. 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 served and as such the proposal complies with policies TA5 and TA6.

Accessibility

Whilst it is accepted that Castle Cary/Ansford is a sustainable location in principle for further development there is a concern that this site, looked at in isolation, not a sustainable location for residential development on the scale proposed. As noted in the submitted travel plan the site entrance is 1,200m from most services and facilities available in the town and 1.4km from the existing primary school. The far side of the site is c.400m from the site entrance and it is therefore considered that the distances involved are such that walking via Station Road to the town centre is likely to be an unattractive option, especially given the stretches of narrow pavements involved.

It is considered that this lack of choice raises a number of sustainability concerns. Firstly it is not socially sustainable or inclusive for new development to only be available to those who own and are able to drive cars. Secondly by excluding those who are unable to drive or do not own a car the economic and employment opportunities of future residents are being limited. Finally by effectively forcing residents to rely on the private motor car greenhouse gas emissions are increased and additional traffic is forced into the road to the detriment of the environment.

The applicant has provided a Travel Plan (TP), which aims to achieve a 'modal shift' of at least 10% over a 5 year time period away from unsustainable single occupancy car trips. Whilst this might, in some circumstances, address these concerns, it is not considered that the submitted TP gives any realistic assurance that attractive alternatives to the private motor car would genuinely be available. Instead the TP relies on minimal increases in working at home, train travel, car sharing and bicycling to achieve the target modal shift.

Whilst modest incentives are proposed (green travel vouchers, a car sharing website, web and text based promotions etc.) there is no evidence has been provided to show that these would be effective or that the £153,175 in potential travel planning costs would achieve anything

Furthermore it is noted that no new footpaths or cycleways are (or can) be provided to link the site to the town centre. Modest off-site improvements are suggested to make the walking routes more attractive now these would seem to be of limited benefit (if any) as the TP does not envisage any increase in walking to work. Whilst it might be that more attractive and diverse routes could be provided through the Direction of Growth there is no mechanism through which this could be achieved with any certainty.

On this basis it is not considered that the development of this site would offer future residents any realistic alternative to travel by means other than the private motorcar. As such the proposal constitutes unsustainable development contrary to policies SD1, TP4 and EQ2.

Other Issues

Loss of Agricultural Land

It is noted that the site comprises grade 2 agricultural land, i.e. the 'best and most versatile' (BMV) land. The NPPF (para. 112) advises that:-

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The implication of this was one of the many factors weighed in the 'planning balance' when the allocation of this site was balanced against other considerations and constraints facing alternative sites when the DoG was allocated. It would not be reasonable to now seek to effectively overturn an allocation within the adopted local plan on the grounds of the loss of BMV agricultural land.

Impact of the Petfood Factory

The application is supported by an odour assessment, the findings of which are accepted by the Council's Environmental Protection Officer

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. On this basis the proposal complies with the requirements of policy EQ2.

Planning Obligations

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policy HW1 an on-site LEAP is needed together with off-site contributions towards the provision and maintenance of these facilities, equating to an overall total of £455,786 (£3,646 per dwelling based on 125 units).

The County Council has previously an education contribution of £306, 425 together with Travel Planning measures.

The applicant has raised no objection to 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

Notwithstanding that this site is within the allocated Direction of Growth for Ansford/Castle Cary it is considered that, in absence of a mechanism to ensure that delivery is phased and linked to other proposals within the Direction of Growth it is considered that this proposal for 125 houses, would constitute unsustainable development, giving rise to significant adverse impacts in terms of landscape impact. Furthermore the cumulative level of growth on top of, and without a phased link to, other proposals that are better related to the existing built form of Castle Cary/Ansford would exceed that appropriate to a Local Market Town in the hierarchy of settlements set out in the South Somerset Local Plan 2006-2028.

The considerable benefit in terms of the delivery of additional housing to meet the council's 5 year housing land supply is noted, however this is not considered sufficient to outweigh the significant harm in terms of landscape impact and undermining the delivery local plan settlement strategy. As such the proposal is contrary to policies SD1, TP4, EQ2, SS1 and SS5.

RECOMMENDATION

(a) That planning permission be refused for the following reasons:

- 1) This proposal for up to 125 dwellings is at the northern end of the Direction of Growth that does not directly abut the existing edge of development. No mechanism is proposed that could reasonably secure a phased development with other schemes currently proposed within the Direction of Growth. Accordingly the proposed development, which might be delivered in isolation, would appear as an alien and intrusive urban form development in an otherwise rural setting to the detriment landscape character of the area and the amenities of the locality. As such the proposal is contrary to policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
- 2) In the absence of a mechanism to ensure the phased development of this site with other sites to the south that would link the proposed development to the town, future residents of these dwellings the proposed development would not be within reasonable walking distance of primary schools, employment opportunities and the services and facilities available in the town centre. As such future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the National Planning Policy Framework, which is not outweighed by any benefits arising from the development. Accordingly the proposal is contrary to the policies SD1, TP4 and EQ2 of the South Somerset Local Plan 2006- 2028 and the policies contained within the National Planning Policy Framework.

- 3) The proposal, to be acceptable would require reasons 1 and 2 to be addressed, however if that were to be achieved the level of growth in Castle Cary/Ansford, a lower tier 'local market town', would be in the region of 523-598 dwellings, some 40-60% in excess of the minimum set out in policy SS5. Such excessive growth would be at odds with the town's status in the District's hierarchy of settlements as set out by policy SS1 and would prejudice the planned, sustainable delivery of growth across the district. As such the proposal is contrary to policies SD1, SS1 and SS5 of the South Somerset Local Plan 2006- 2028 and the policies contained within the National Planning Policy Framework.

(b) That the same putative reasons for refusal be defended in relation to the appeal against the non-determination of 14/05623/OUT