

Area West Committee – 19th February 2014

12. Update Report Land at Goldwell Farm, Yeovil Road, Crewkerne (ref. 13/02941/OUT)

Ward Members: Cllr Angie Singleton, Cllr John Dyke, Cllr Mike Best
Strategic Director: Rina Singh, Strategic Director (Place & Performance)
Assistant Director: Martin Woods, Assistant Director (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: Adrian Noon, Area Lead
Contact Details: adrian.noon@southsomerset.gov.uk or (01935) 462370

Purpose of the Report

To seek Members support in defence of an appeal against the non-determination of outline application for a residential development comprising up to 110 dwellings and new access at Goldwell farm, Yeovil Road, Crewkerne, ref. 13/02941/OUT.

Public Interest

The report sets out the position it is suggested the Council takes in relation to the current appeal against the non-determination of application 13/02941/OUT.

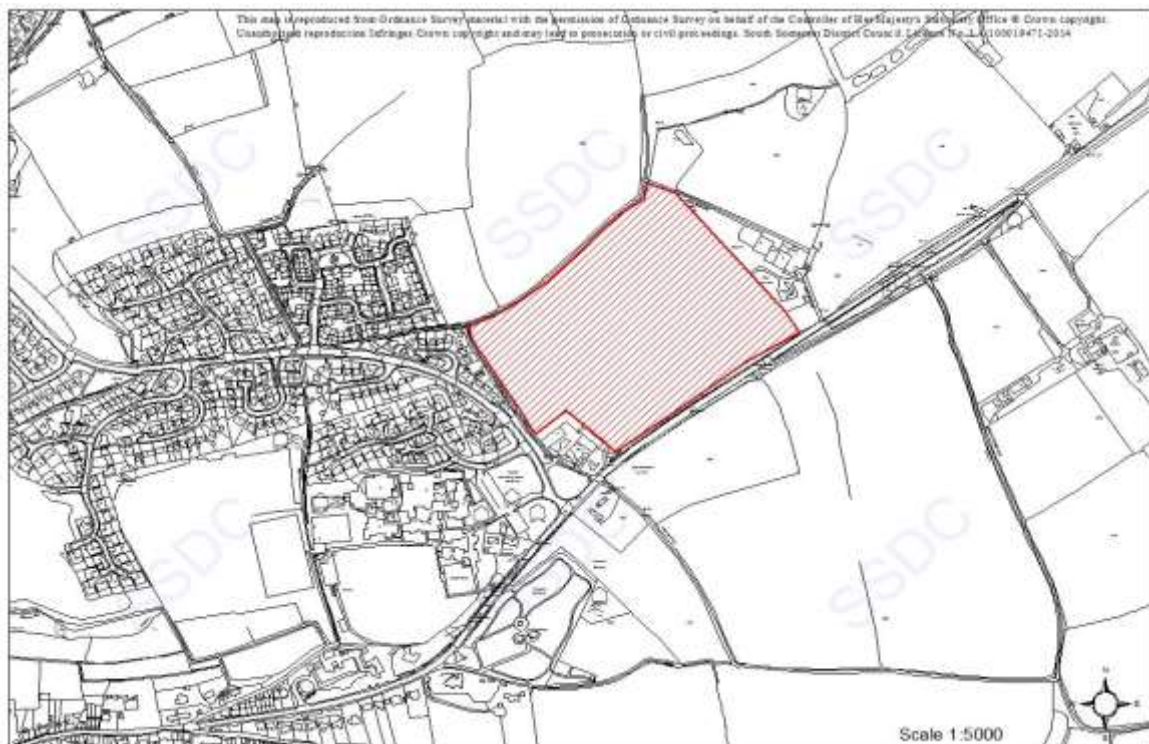
Recommendation

That Members endorse the Officer's recommendation.

Background

Application 13/02941/OUT was validated on 30 July 2013, with a determination date of 29 October 2013. With the exception of the access to the site from the A30 all matters were reserved. An appeal against non-determination was lodged on 22 January 2014 and a Public Inquiry is provisionally scheduled for 23-25 April 2014.

Site



This 7.7 hectare site is located outside, but adjacent to existing settlement limits and is currently in agricultural use as 5 fields predominantly divided by hedges. The land slopes away to the north east and there is a small valley running along the northern boundary. The Council's records indicate a mix of grade 1, 2 and 3a agricultural land, however the supporting information suggests a mix of grades 2, 3b and 4.

The site is bounded by residential development and Higher Eastham Hill Farm along Ashlands Road to the west; open countryside to the north and east and the sunken A30 to the south. On the other side of the A30 is the CLR Keysite which has outline permission for 525 houses with detailed permission for the first 203 houses. There is a footpath (CH33/17) along the western edge of the site, which links to the path (CH33/16) running west through the Middle Hill development.

The town centre is c. 1.1km to the west along the A30 (Mount Pleasant and East Street). With the exception of Wadham School employment sites and services and facilities, such as infants and middle schools, shops, health facilities etc. are some distance from the site.

The majority of the site is within the parish of Merriott; only the field alongside the A30 falls within Crewkerne.

The Proposal

A residential development of up to 110 houses, associated onsite public open space is proposed. A new access from the A30 is proposed. This would be directly opposite the approved access to the CLR site. The proposal is supported by:-

- Planning Statement
- Design and Access Statement
- Landscape and Visual Assessment Report
- Transport Assessment
- Ecological Impact Assessment
- Badger Impact Assessment
- Flood Risk Assessment
- Tree Report
- Agricultural Land Classification Report
- Heritage Desk-Based Assessment
- Sustainable Design and Construction Statement

Planning History

This site was part of the wider 'Longstrings' site put forward as an allocation for c.380 houses and employment land in the draft of the previous local plan. Whilst the then Inspector favoured the Longstrings site over the CLR site on the south side of the A30 the District Council did not agree and, rejecting the Longstrings site allocated the CLR in the 2006 local plan (KS/CREW/1). The CLR site is now subject to the following approvals:-

05/00661/OUT Outline permission granted (04/02/13) for comprehensive development of 50 hectare site between the A30 Yeovil Road and the A356 Misterton Road Local Plan comprising:-

- 525 dwellings, including 17.5% affordable housing
- Employment land for a range of employment uses
- A local centre, including a convenience store

- A primary school site`
- Open space and structural landscaping
- Balancing ponds/attenuation areas to manage surface water
- A new link road between the A30 and the A356
- Detailed design of the new junctions with the A30 and A356
- A dormouse bridge over the link road, to be linked to the habitat to the west of the site and the open countryside to east by additional planting to enable a 'wildlife corridor' to be maintained across the site.
- Badger mitigation proposals
- On-site footpaths and cycle ways and enhanced links to the town centre

An associated S106 agreement provided for a detailed package of planning obligation which included provision for the completion of the link road through the site, between the A30 and the A356, prior to the occupation of the 200th house or within 4 years of the occupation of the 1st house, whichever is sooner.

13/02201/REM Reserved matters approved (20/09/13) for 203 dwellings, the first section of the Crewkerne link road, drainage and service infrastructure, landscape and ecological mitigation measures

There is no history of planning applications at this site, known as Goldwell Farm, however a screening opinion has been issued (05/06/13) which concluded that an Environmental Impact Assessment is not necessary to support this application (ref. 13/01675/EIASS).

PLANNING POLICY

The key policy issue is the National Planning Policy Framework's (NPPF) requirement that local planning authorities demonstrate a 5 year housing supply. In this respect the following should be noted:-

- Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council did not then have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).
- Slades Hill Appeal Decision 12/03277/OUT – on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13).
- The 2013 Annual Housing Monitoring Report to District Executive demonstrates that, as of 31st December 2013 the Council still does not have a demonstrably deliverable 5 year housing land supply. District Executive resolved (06/02/14) to undertake 6 monthly monitoring to keep the situation under continual review.

In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. Whilst the policies of the 2006 South Somerset Local Plan that are compliant with the NPPF have been saved and remain relevant, policy ST3 (Development Areas) no longer applies to constrain housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

Nevertheless it is considered that the general thrust of policy ST3 to resist unsustainable development that fosters the growth in the need to travel, particularly by private motor car remains relevant and compatible with the NPPF.

Whilst very little weight is accorded to the detailed policies of the emerging local plan, it should be noted that Crewkerne is designated a 'Market Town', where emerging policy SS5 would apply. This would support proposal including:-

“development and redevelopment within development areas, greenfield development identified within this Plan or to come forward through conversions of existing buildings, residential mobile homes and buildings elsewhere in accordance with the policy on development in rural settlements.”

SS5 states that at least 45 additional houses over existing commitments will be required.

The 110 dwellings proposed by the current scheme exceeds the 45 dwellings identified for Crewkerne up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Crewkerne's role and function as a Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

On this basis, and notwithstanding the various objections from the Town Council and local residents, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts when assessed against the saved policies of the 2006 local plan and the NPPF.

Saved Policies of the 2006 Local Plan

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC1 – Protecting the Best and most Versatile Agricultural Land
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP3 - Lighting
 EU4 – Water Services
 EH12 – Archaeology
 TP1 - New Development and Pedestrian Movement
 TP2 – Travel Plans
 TP4 - Road Design
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off-Site Provision
 CR4 - Provision of Amenity Open Space
 CR9 – Public Rights of Way and Recreation Routes
 HG7 - Affordable Housing

National Planning Policy Framework

CONSULTATIONS

Crewkerne Town Council – recommend refusal on the grounds that:-

- There is already sufficient housing provision for the town within the CLR Keysite development and other applications in progress for at least the next 15-20 years and that no further houses should be built until the new link road is completed which will offer relief for traffic
- There is insufficient evidence in this application to demonstrate that the town's infrastructure will cope with the residents of this number of additional houses
- The proposed development is in the wrong place for the future expansion of Crewkerne; it is considered that were there to be further housing development in Crewkerne it should be on the south side of the town
- The loss of agricultural land
- No comments as yet from Highways

However, in the event that the District Council should decide against the recommendation of the Town Council it is requested that a Section 106 provision is made for a new driveway and parking area for the Townsend Cemetery to be created adjacent to the new eastern (Butts Quarry Lane) access to be created by the CLR Keysite development.

County Highways Authority – initially requested further details subsequently confirmed no objections to the access arrangements or to the impact on the highway network in Crewkerne. It is observed that:-

“Concern has been raised about the possible impact of the development on the current congestion experienced in the town centre. It should be noted that the site which consists of 110 dwellings and the traffic generated from 199 dwellings, (associated with the extant permission and trigger point for CLR), has been given due consideration throughout the Transport Assessment audit process. However, it is considered that, given the position of the development within the town and the likely levels of (development) traffic using the A30 East Street/ Market Street/ Market Square mini-roundabout, the impact would be relatively minor.

“Therefore, it is clear from the above comments that the submitted documentation has fully demonstrated to the satisfaction of the Highway Authority that the peak hour traffic generation will have no detrimental impact on the local highway network, and as such will have a minimal impact on the town centre.”

Concern is raised about the suitability of the submitted travel plan and it is concluded that:-

“The document as submitted is unacceptable and work needs to be undertaken to bring it to an acceptable level. Therefore, at this time it is unclear what Town Centre Improvements are required to incentivize residents to use alternative modes of transport other than the private car.”

The highways officer's full comments are attached at Appendix A.

Given the level of concern about this issue and the potential to impact on the delivery of the CLR site the Council has engaged a highways consultant, Vectos, to review the history, including that of the CLR site, the evidence provided the applicant and the position highway authority has taken. It is their conclusion that the proposed site access is appropriate to serve the development and that even without the link road through the

CLR site, the proposed houses plus up to 200 on the CLR (i.e. 310) would not generate such levels of traffic that the impact on the local highways network would be severe. The highways authorities' concerns about the travel plan are shared and concern is raised over the sustainability of the development.

Review by Vectos attached at Appendix B.

SSDC Housing Development Officer – requests 35% affordable housing based on a tenure split of 67/33 in favour of social rent to other intermediate solutions.

SSDC Leisure Policy Co-ordinator – on the basis of 110 dwellings requests an contribution of £5,090.46 per dwelling toward mitigating the impact of the development on sports, arts and leisure facilities as follows:-

- Equipped Play Space – on site provision of LEAP (94,624)
- Youth Facilities – on site provision (£18,579.79)
- Playing Pitches – off site contribution towards provision in Crewkerne (£43,649.14)
- Changing Rooms – off site contribution towards provision in Crewkerne (£88,621.33)
- Community Halls – off site contribution towards provision in Crewkerne (£57,187.63)
- Theatres and Arts Centres – off site contribution towards expanding and enhancing the Octagon Theatre in Yeovil (£34,434.85)
- Artificial Grass pitches – off site contribution towards provision in Crewkerne (£8,844.46)
- Swimming Pools - off site contribution towards the provision of a new centrally based competition pool (£40,678.27)
- Indoor Tennis Centre - off site contribution towards the provision of a new centrally based centre (£26,072.39)
- Sports Halls – off site contribution towards enhancement of provision in Crewkerne or towards a centrally based 8 court district wide competition sports hall (£41,913.71).
- Commuted sums towards play, youth pitches and changing rooms (£99,800.73)
- 1% Community Health and Leisure Service Administration fee (£5,544.06)

County Education Authority – suggest that a development of 110 dwellings would require 16 First school places to be available. At present, St Bartholomew's CE School already has a roll exceeding its capacity; and Ashlands is forecast to exceed its capacity in the next three years, without taking into account any more new residential development not already underway. Whilst it is intended to provide a new primary/first school site as part of the proposed CLR development, there is currently no indication when this may come forward. In the meantime, it will therefore be necessary to secure developer contributions towards additional school accommodation. The capital cost of each school 'place' is £12,257, so a total contribution of £196,112 should be secured in this instance.

Natural England – no objection subject to conditions to monitor any impacts on dormice and bats.

SSDC Ecologist – no objection subject to conditions to secure appropriate mitigation and protection measures for dormice, badgers, bats and reptile and to agree a landscape and ecological management plan.

Somerset Wildlife Trust – no objection subject to conditions to ensure compliance with recommendations of ecology reports.

Environment Agency – no objection subject to conditions.

Wessex Water – no objection subject to works to address any capacity issues at the nearby sewage pumping station. These would be agreed under water industry legislation.

SSDC Area Engineer – no objection subject to agreement of drainage details and phased implementation.

SCC Rights of Way Officer – no objection subject to the works not encroaching onto the footpath.

SSDC Landscape Architect – objects on the grounds of:-

- landscape impact of this outward extension of Crewkerne separate from the town's main form;
- major adverse impact of highways works to achieve access from A30;
- poor connectivity to the town.

It is concluded that "*there is no landscape support for the indicative layout, LP policy ST5 paras 4 and 5.*" Full comments are attached at Appendix C.

SSDC Conservation Manager – considers that the impact upon character of the A30 corridor, already to be severe through the junction to link road through Easthams, would be profoundly exacerbated by the likely loss of further substantial lengths of the roadside cutting and planting and excavation to form a new access. An access from Ashlands Road would avoid this and must be preferred. Concerns are raised about the indicative layout, however this could be dealt with by a detailed Master Plan at reserved matters stage.

SSDC Tree Officer – no objection subject to agreement of tree protection measures by condition.

SSDC Climate Change Officer – objects on the grounds that the feasibility of installing renewable energy generating equipment has not been sufficiently explored.

SSDC Environmental Protection Unit – no observations.

County Archaeologist – initially raised concerns that the preliminary site investigations should be carried out prior to determination. Although the application was willing to do so at the time of writing no results had been provided. Accordingly an archaeological objection is maintained.

Environment Agency – no objection subject to conditions.

Wessex Water – no objection.

REPRESENTATIONS

12 local residents have written raising the following concerns:-

- Highways impact on town's infrastructure
- Traffic congestion in Crewkerne
- Additional traffic in Ashlands Road
- Dangerous site access
- Ecological/environmental impact

- Overdevelopment of Crewkerne
- Not needed on top of CLR and other developments
- Development in excess of development identified in local plan
- Impact on infrastructure (schools, health care etc.)
- Loss of agricultural land
- Future residents would be forced to travel long distances
- Loss of views
- Possible overlooking
- Possible contamination of private water supply
- Possible flooding – improvements to culverts to northeast would be required

The developer of the CLR site has also objected:-

- The site is outside the settlement boundary and its development would neither benefit economic activity nor maintain or enhance the environment and would foster the need to travel.
- The emerging plan is sound in relation to Crewkerne, whilst there do not agree with the residual figure of 45 house to 2028 this should be addressed by re-examination and site allocations not this premature application.
- Notwithstanding the Council lack of a 5 year housing land supply this would not be sustainable development.
- The submitted access arrangements indicate that land owned by Taylor Wimpey would be required and the detail and safety of the access to the A30 is questioned (this area of concern is expanded on in a review by Taylor Wimpey's highways consultant).
- The submitted traffic impact assessment. Taylor, whilst not having conducted their analysis, consider that any suggestion that the highways network can accommodate 310 houses without the link road being completed raises doubt about the validity and robustness of SCC's existing requirements of the CLR site and deliver timescales.
- The applicant and not engaged with Taylor Wimpey to discuss the possibility of a comprehensive approach to development.

Taylor Wimpey's full objection is attached at Appendix D.

THE CURRENT SITUATION

Whilst a range of concerns have been raised it is not considered that there is any evidence to support concerns in relation to ecology or drainage. Whilst the proposed would result in the loss of some 'best and most versatile' agricultural land, the applicants have commissioned a reputable agricultural consultant to assess the site. There are not considered to be any reasonable grounds to dispute his findings that the best land is in two small parts divided by a strip of poorer quality land. Given the amount and nature of agricultural land involved it is not considered that its loss is objectionable.

Although there are clearly very strong local concerns about the highways impact of the development in term of the access and wider impacts in town these are not supported by the highways authority. In light of these concerns the Council has engaged a highways consultant to review the situation. Their conclusion is that there are no grounds to override the County's advice.

The NPPF is clear that development should only be refused on highways grounds where the highways impacts would be 'severe'. Accordingly it is not concerned that it would be justifiable to pursue an objection on the grounds of highways safety or highways impact.

On this basis it considered that there are 3 outstanding areas of concern, namely:-

- Visual Impact
- Sustainability
- Archaeology

Visual Amenity

As noted by the Council's Conservation Manager and Landscape Architect this site clearly extends beyond the town's natural setting in the valley to the west. Additionally it is considered that the sunken A30 provides a pleasant eastern gateway to the town where the transition from county to town is softened, only becoming readily apparent at the top of Mount Pleasant.

It is considered that this proposal creates two visual concerns. Firstly, as noted by the landscape architect this site has a low to low-moderate capacity to accommodate development. This would exacerbate the eastward extension of the town over the ridge and down this eastward sloping land.

Secondly the extensive works to the A30 to create the access would require the removal of many trees and large scale earth working to cut the access into the site. It is considered that this, combined with similar works on the south side to create the CLR access would create a significant, intrusive and highly engineered feature that would become a sub-urban gateway to Crewkerne.

It is considered that the proposed urban extension of the built form of Crewkerne onto this east facing site, away from the main body of the town and the creation of a highly engineered, suburbanising junction at the eastern gateway to the town would result in significant visual harm that should be resisted.

Sustainability

Whilst it is not disputed that Crewkerne is a sustainable location in principle for development, the sustainability of individual sites must still be assessed to ensure developments that the relevant criteria in terms of social, economic and environmental concerns are met.

In this case concern is raised that connections from this peripheral site to the services and facilities in the town are very poor. There is only one pedestrian route to the town centre, i.e. along the A30. This is some distance (1.1km), includes a lengthy and steep incline (Mount Pleasant), narrow pavements, parked cars and crossings in awkward places necessitated by incomplete pavements. It is not considered that this would be an attractive option to the majority of future occupiers, particularly those with impaired mobility, pushchairs, young children or shopping. Whilst the local bus services might be of use to some residents, in all likelihood the private motorcar would be the only realistic mode of transport for the occupiers of this development.

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), a commonly used tool to achieve a 'modal shift' 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 alternatives to the private motor car would genuinely be available.

On this basis it is considered that the development of this site would not be sustainable and should be resisted. Nevertheless both the county and the Council's highways advisor suggest that an improved TP might address this issue. Officers will seek to work constructively to address the deficiencies of the current TP. If an acceptable TP is produced then this strand of objection may fall away.

Archaeology

The preliminary work done by the applicant's consultants has revealed archaeological potential. As a result the county archaeologist has requested further site investigations to establish the nature of this potential to ensure that it can be accommodated by the development. The applicant is happy to do this, however the recent weather has delayed this.

This issue needs to be identified now as a possible reason for refusal, however as with the TP officers will seek to minimise the areas of disagreement and, subject to the County's archaeologist being satisfied, this area of concern may also fall way.

Other Issues

As this is an outline application the detail of the layout of development, house design, relationship with existing properties, on-site landscaping etc. could adequately be considered at the reserved matter stage.

S106 Agreement

The applicants are agreeable to all requested obligations and have provided draft heads of terms to cover:-

- 35% affordable housing
- Sports arts and leisure contributions as requested
- The maintenance of site equipped play areas and informal space
- Financial contribution towards primary school places as requested by county education officer
- Travel Plan measures to include town centre improvements
- S106 monitoring fee based on 20% of the outline application fee.

Whilst such obligations might, where there no other objections, be reasonable and necessary to mitigate the impact of the development on local infrastructure it is not considered that that they outweigh the objections identified above.

Conclusion

Notwithstanding the Council's current lack of a 5 year land supply, it is not considered that the harm in terms of:-

- (1) the visual impact of the development and the access works to the A30;

- (2) the unsustainable nature of this development on the edge of town, separated from services and facilities by distance, topography and poor pedestrian and cycle links;
- (3) potential damage to the archaeological potential of the site outweighs the contribution the development would make to the Council's 5 year housing land supply.

RECOMMENDATION

That:-

- a) the following areas of concern be defended at the public inquiry:-

- (1) The proposed residential development of this peripheral site, sloping away from the town would, cumulatively with the CLR site to the south of the A30, exacerbate the adverse landscape and visual impact of the eastward extension of Crewkerne, separate from the main form of the town within the valley to the southwest. . As such the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and EC3 of the South Somerset Local Plan.

Furthermore the extensive engineering works to the A30 to create the access, in conjunction with the access to the CLR site, would create an excessively suburban feature at the eastern gateway to the town that would be wholly at odds with the local topography and landscape character. As such the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and EC3 of the South Somerset Local Plan.

- (2) The proposal is for up to 110 dwellings on a site remote from employment opportunities and not within reasonable walking distance of infant and middle schools. The site is sufficiently remote from the services and facilities in the town centre for there to be no realistic pedestrian or cycle alternative to the busy A30 which, in places, is steep, lacking in adequate pavements and is subject to considerable on street parking. It is not considered that such route would be attractive to cyclists, pedestrians or anyone with impaired mobility.

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 NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and TP2 of the South Somerset Local Plan.

- (3) Insufficient evidence has been provided to demonstrate that the development would not adversely impact on the archaeological potential of the site.

- b) all other matters be agreed as common ground in advance of the Inquiry.

- c) In the event that:-

- a suitable travel plan is agreed to address the sustainability concerns (as set out at (2) above) to the satisfaction of the development manager, in consultation with the ward members

- additional archaeological information is provided to demonstrate that the development would safeguard the archaeological potential of the site to the satisfaction of the County Archaeologist

then these issues also be agreed a common ground between the local planning authority and the appellant.

d) In the event that the appeal is allowed the decision is subject to a Section 106 agreement to provide for:-

- 35% affordable housing to the satisfaction of the Strategic Corporate Housing Manager
- Sports arts and leisure contributions to the satisfaction of the Assistant Director (Wellbeing)
- The maintenance of site equipped play areas and informal space to the satisfaction of the Development Manager in consultation with the Open Spaces Officer
- Financial contribution towards primary school places as requested by county education officer
- Travel Plan measures to include town centre improvements, to the satisfaction of the development manager in consultation with the ward members.
- S106 monitoring fee based on 20% of the outline application fee.

and conditions to the satisfaction of the Development Manager.

Background Papers: *Planning File 13/02941/OUT*
