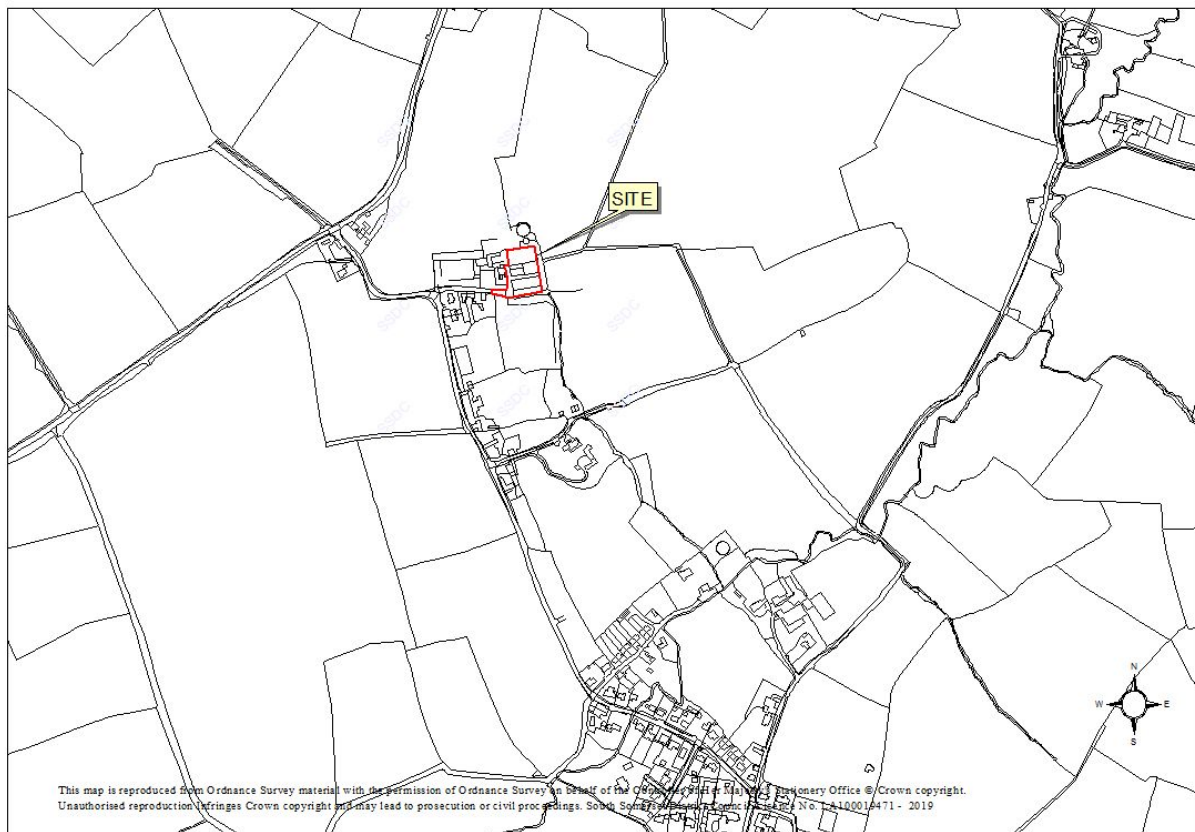
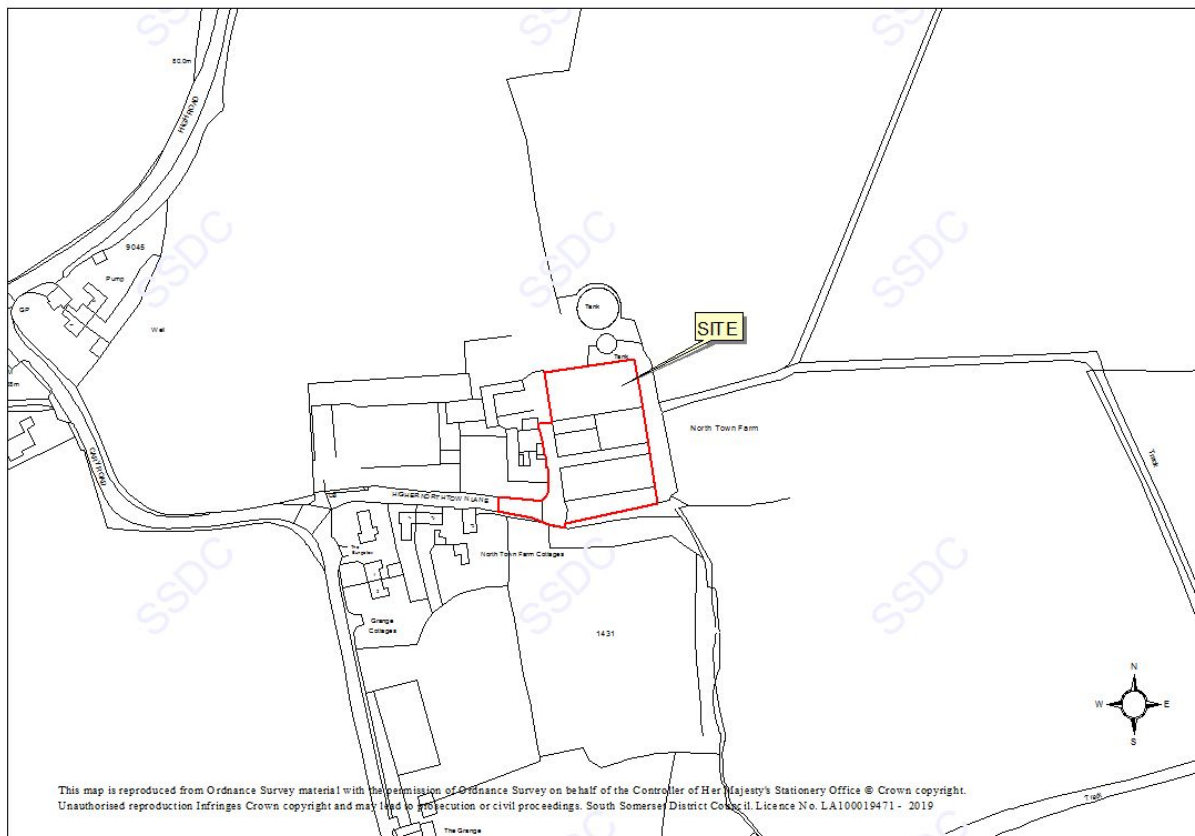


## Officer Report on Planning Application: 19/02235/OUT

<b>Proposal :</b>	Outline planning application with all matters reserved for the erection of 5 dwellings
<b>Site Address:</b>	Land At North Town Farm, Higher North Town Lane, North Cadbury
<b>Parish:</b>	North Cadbury
<b>CARY Ward (SSDC Member)</b>	Cllr K Messenger Cllr H Hobhouse
<b>Recommending Case Officer:</b>	Neil Simpson Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date :</b>	7th October 2019
<b>Applicant :</b>	Mr & Mrs Longman
<b>Agent: (no agent if blank)</b>	Adrian Smith Collier Reading Architects Coach House Studio 34A Chamberlain Street Wells BA5 2PJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### SITE DESCRIPTION AND PROPOSAL





This is an outline application with all matters reserved for the erection of five dwellings at Land at North Town Farm, Higher North Town Lane, North Cadbury. The proposal would see the erection of five new dwellings, two are proposed to have three bedrooms and three are proposed to have four bedrooms. The site is accessed via a relatively short length of unclassified highway from Cary Road. The site has extant consent for three dwellings under application 16/02410/FUL.

## RELEVANT PLANNING HISTORY

16/02410/FUL - Erection of 3 residential dwellings with associated parking and landscaping as well as the demolition of existing barns:- Permitted with conditions 9 September 2016.

15/03983/PAMB - Prior approval for the change of use of agricultural building to two dwellings:- Prior approval refused 28th October 2015.

01/02647/FUL - The erection of animal; feed hopper and provision of hardstanding:- Permitted with conditions 27th December 2001

89/01475/FUL - The erection of agricultural storage building and provision of slurry store:- Permitted with conditions 10th January 1990.

## 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).

On this basis, the following policies are considered relevant:-

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

SD1 - Sustainable Development  
SS1 - Settlement Hierarchy  
SS5 - Delivering New Housing Growth  
SS7 - Phasing of Previously Developed Land  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - Design & General Development  
EQ7 - Pollution Control  
TA1 - Low Carbon Travel  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HG3 - Provision of Affordable Housing  
HG5 - Achieving a Mix of Market Housing

National Planning Policy Framework 2019:

Chapter 2 - Achieving Sustainable Development  
Chapter 5 - Delivering a Sufficient Supply of Homes  
Chapter 7 - Ensuring the Vitality of Town Centres  
Chapter 8 - Promoting Healthy & Safe Communities  
Chapter 9 - Promoting Sustainable Transport  
Chapter 9 - Making effective use of land  
Chapter 12- Achieving Well-Designed Places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and Enhancing the Natural Environment  
Chapter 16 - Conserving and Enhancing the Historic Environment

Other

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)  
National Design Guide (2019)

## **CONSULTATIONS**

North Cadbury and Yarlington Parish Council

It was noted that this outline application included the dwellings already approved under the previous permitted development approved under Permitted Development terms. Concern was expressed by neighbours that this much larger development would be very close to boundaries and that it brought with it issues connected with Highways, boundaries, unsuitability of the design for a rural environment and concerns as to whether infrastructure in the area would cope with such a development. It was recognised that the detailed proposals would be addressed at the next stage if approval was given to move onto detailed planning. While there were some concerns, the overall sense was that this application was suitable to move to the detailed planning stage, but there were issues which would need addressing.

The Parish Council resolved by a majority to approve the Application.

SCC Highway Authority

This is an outline application with all matters reserved for the erection of five dwellings at Land at North Town Farm, Higher North Town Lane, North Cadbury. The site is accessed via a relatively short length of unclassified highway, which then joins Cary Road, a Classified Un-

numbered highway, in turn there is a junction with the A359 a short distance along Cary Road. Cary Road and the junction with the A359 are subject to a 40mph speed limit. There are three road accidents recorded at the junction of Cary Road and the A359, all three have been categorised as 'slight'.

Part of the site currently has an extant permission for three dwellings under application 17/00651/S73, which sought amendments to the permission granted under 16/02410/FUL. The Highway Authority referred the Local Planning Authority to their Standing Advice document for both of these applications.

For this application, the Highways Authority have a number of concerns regarding:

- Parking
- Vehicle Movements
- Estate Roads
- Drainage

Taking into account the concerns above, the Highways Authority does not object to the proposal and should the Local Planning Authority be minded to grant permission the Highways Authority would recommend that a number of conditions are imposed.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this development. An advisory note should be attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

#### SSDC Tree Officer

There are significant number of mature trees adjoining this outline proposal. The Tree Officer considers it would be prudent to ensure that the possible impact of shading and other issues upon the proposed dwellings receives professional arboricultural input in the design layout.

#### SSDC Environmental Protection

The site is a farm and as such there is potential contamination from fuels and pesticides etc. Site preparation and development of the site has the potential to adversely impact on neighbouring properties, therefore it is recommend that a number of conditions and an advisory note are attached to any consent.

#### SCC Rights of Way Officer

There is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath WN 19/52). An informative note should be added to any permission granted.

#### SSDC Highways Consultant

Refer to SCC comments.

#### South West Heritage Trust

There are limited or no archaeological implications to this proposal and SWHT therefore have no objections on archaeological grounds.

## **REPRESENTATIONS**

3 no. representations objecting to the proposal have been received. These were on the grounds of:

- Highway safety;
- Inappropriate layout for the Village which would impact character and landscape;
- The size and scale not in keeping with the rural setting;
- The design is not rural in character or sympathetic to the adjoining farm buildings;
- The existing infrastructure cannot cope with further housing;
- The location is unsustainable under Policy SS5;
- No identified local need for housing;
- Access to existing farm buildings will be compromised;
- Inadequate parking;
- Environmental hazards from historic agricultural use.

One objector has claimed to be making representations on behalf of 4 neighbouring properties. Representations can only be accepted from individual contributors and therefore this objection is considered to count as one.

## **CONSIDERATIONS**

The application raises several issues which will be considered in turn.

### Principle of Development

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework 2019 and seek to secure development that improves the economic, social and environmental conditions within the District.

The application site has consent for 3 no. dwellings under a Class Q fall back application (ref. 16/02410/FUL). An application for 5 no. dwellings would not have been consented under this route. Rural Settlements such as North Cadbury are considered as locations where there will be a presumption against development unless key sustainability criteria can be met.

In their case for the need of the additional units, the applicant has made reference to South Somerset's lack of a deliverable 5 year housing supply. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. Proposals for housing development may be considered sustainable in Rural Settlements that have access to two or more key services.

North Cadbury has a range of services including a primary school, a pub, a post office, children's play area and Village Hall and has been identified in the Local Plan as suitable location for additional housing and employment. In the context of the district, the settlement is well served by road transport with easy access to the A303 and multiple bus services daily.

Policy SS2 of the Local Plan allows development which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

The applicant has not demonstrated that the application would provide employment or that it

is consistent with a community led plan or meets a local housing need. Moreover, the proposed site is on the extreme outer edge of the settlement, with a number of open spaces between it and the village core. The nearest services in the village centre would be the primary school which is a 900m walk along a lane for the greater part without lighting or pavement. It is likely therefore that most journeys for every day necessities would be taken by car.

On this basis, the site is not a sustainable location and would therefore be contrary to the aims and provisions of Policies SD1 and SS2 of the South Somerset Local Plan (2006-2028) and the relevant aims and priorities of the National Planning Policy Framework 2019.

#### Impact on Landscape & Visual Amenity

New development proposals should demonstrate consideration of the relationship to adjoining buildings and landscape features. As an outline application with all matters reserved so matters such as design and appearance are not under consideration at this stage. Therefore issues regarding the impact of the indicative size, scale and layout on the local character and landscape are not relevant at this stage.

#### Impact on Residential Amenity

All development should ensure the most efficient use of land through the size and arrangement of plots, further determining the position, orientation, proportion, scale, height, massing and density of buildings as well as the treatment of the spaces around and between the buildings themselves. As an outline application with all matters reserved, the final layout is liable to change under any subsequent full application.

The site has an extant permission for three dwellings, therefore the principle for additional dwellings in this location is considered to have been established, and this application must therefore consider only the impact of two additional properties. The primary impact would be on the site density which would increase however the resulting plot sizes and space between the proposed units and neighbouring properties would remain acceptable in principle. It is therefore considered that this application would not represent unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and/or visual overbearing.

#### Highways and Parking

As this is an outline application with all matters reserved including access, issues of highways and parking would need to be fully addressed at the reserved matters stage.

The indicative plans show 2 no. parking spaces available for each of the 5 units in garages and driveways. This is in accordance with locally defined parking standards. All vehicles must also be able to enter and exit the unclassified highway in a forward gear so appropriate turning space will also need to be provided within the scheme. Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property.

It is considered that there is sufficient capacity within the surrounding highway network for this increase to not represent a significant highway safety impact as set out in paragraph 9 of the National Planning Policy Framework.

It is therefore considered that this application represents acceptable standards of highways safety and parking. The proposal would with conditions be in accordance with the aims and provisions of Somerset County Council Parking Strategy (September 2013), Policies EQ2 and TA1 of the South Somerset Local Plan (2006-2028), Design Code M3 of the National Design Guide (2019) and the relevant aims and provisions of the National Planning Policy Framework 2019.

## Conclusion

The Council's lack of a deliverable five year housing land supply lends significant weight when considering the planning balance. The planning tilt therefore turns to the consideration as to whether the adverse impacts of granting permission would 'significantly and demonstrably' outweigh the benefits.

The proposed additional net development would contribute to a less than significant degree in addressing the shortfall in the housing supply. No unacceptable adverse impacts on highway safety, residential or visual amenity have been identified and indicative arrangements for parking comply with local standards.

Notwithstanding the above, the development would not meet the social criteria under the sustainability test as there is no identification of local housing need or employment benefit. Moreover, the development is not a sustainable location which would lead to a significant increase in car borne journeys as there are a lack of sustainable transport options for residents to reach every day services.

On balance, the lack of social benefit and the unsustainability of the location would significantly and demonstrably outweigh the benefits of the scheme.

## **RECOMMENDATION**

REFUSE planning consent for the following reasons:

01. The site is not a sustainable location and the applicant has not demonstrated that the application would provide employment or that it is consistent with a community led plan or meets a local housing need. The proposal therefore would therefore be contrary to the aims and provisions of Policies SD1 and SS2 of the South Somerset Local Plan (2006-2028) and the relevant aims and priorities of the National Planning Policy Framework 2019.

## **SUBJECT TO THE FOLLOWING:**

01. The site is not a sustainable location and the applicant has not demonstrated that the application would provide employment or that it is consistent with a community led plan or meets a local housing need. The proposal therefore would therefore be contrary to the aims and provisions of Policies SD1 and SS2 of the South Somerset Local Plan (2006-2028) and the relevant aims and priorities of the National Planning Policy Framework 2019.

## **Informatives:**

### 01. CIL INFORMATIVE

Please be advised that any subsequent approval of this application by appeal will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission and to avoid additional

financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)