

<b>Application No:</b>	<a href="#">3/05/20/001</a>
<b>Parish</b>	Carhampton
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Abigail James
<b>Grid Ref</b>	
<b>Applicant</b>	Mr R Sherrin
<b>Proposal</b>	Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings
<b>Location</b>	Land off Withycombe Lane, Carhampton, TA24 6RF

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 It has not been possible to secure recreation/community infrastructure contributions and as such it is considered the implementation of the development would have adverse impacts upon the local area. As such the proposal is contrary to Policy ID1 of the West Somerset Local Plan 2032 and Planning Obligations SPD 2009.

### Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## Proposal

Outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings.

## Site Description

The application site is a parcel of agricultural land located south of the A39, east of Hill Lane and north of Withycombe Lane in Carhampton. To the west is residential development, and to the south and east of the site lies further agricultural land.

The application site has a total area of 3400sqm. It is located and accessed from Hill Lane. The site has a concrete drive with metal field gates and contains a flat roof, unfinished blockwork structure.

## Relevant Planning History

3/05/17/016 - Outline application with all matters reserved except for means of access for the erection of 5 dwellings and associated works. Refused on 30/1/18. An appeal was allowed on 31 May 2018. **The inspector considered that the development would not generate an unacceptable level of highway risk and subject to a condition concerning attenuation the development would not be at an increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road.**

3/05/18/009 - Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Granted on 23/07/19.

## Consultation Responses

*Carhampton Parish Council* – Firstly points out the following inaccuracies in the application form:

Q6 The agent states the current use of the land is 'agricultural land'.

Q6 - the agent states that there is no suspicion of land contamination.

Q10 the agent states that he does not know how foul sewage is to be disposed of when the site is adjacent to a main highway.

Q11 the agent states that the site is not within 20 metres of a watercourse and that surface water disposal through soakaway will not increase the flood risk elsewhere.

Q12 the agent states that trees and shrubs are on the site. The application also indicates that a footpath will be provided along the east side of

Withycombe Lane from the A39 to the development site. This will involve removing the existing mature hedge.

Q15 the agent is unable to say how many bedrooms each of the proposed dwellings will have but that they will all be for open market sale.

Q16 the agent states that there will be no loss on non-residential floorspace.

Q17 whilst it is obvious that no employees are on this site for more than a few minutes at any one time, given the nature of the current use, it is incorrect of the agent to state that there are none.

All Members are agreed that this application should be objected to on the following grounds:

- Highways
- Nature, biodiversity or trees the destruction of mature trees
- Drainage
- Account must be taken of the sewage generated by the approved

development south of this site along Withycombe Lane (Garlands 3/05/17/016 and 3/05/18/006) to ensure a complete picture of the effect on the village is established.

*Wessex Water Authority* – no objections- advice to be added as informative.

*Highways Development Control* - It is noted that part of their proposal is to create a 1.8m footway linking to the bus stop on the A39, which involves cutting back a bank and installing a reinforced earth retaining structure.

This will be a Category 0 structure to CG300. An AIP will not be required but a design and check certificate will which shall contain the information set out in Appendix I if CG300 plus a copy of the calculations including the design assumptions, surcharge loads (10kN/m<sup>2</sup> min), soil parameters, allowance for overdig in front of the wall and protection from falling material.

All works within or adjacent to the highway will also require an agreement under s278 Highways Act 1980. If the access road is to be offered for adoption a separate agreement will also be required under s38 Highways Act 1980.

In the event of permission being granted, conditions have been recommended.

*SCC - Ecologist* - The application site is not hydrologically connected to the Somerset Levels and Moors Ramsar or in a Bat Consultation Zone. Should planning permission be granted, a number of conditions are required.

## **Habitats Regulations Assessment**

Not required.

## **Representations Received**

4 objections were received which raised concerns regarding:

- Traffic
- Flooding
- Soak away not efficient
- Ecology
- Need for housing
- Type of housing
- Precedent
- Noise and light pollution
- Existing building on site
- Character
- Lack of highways compliant footpath

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC4	Affordable Housing
SV1	Development at primary and secondary villages
ID1	Infrastructure delivery
NH1	Historic Environment
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CC6	Water Management

Other relevant policy guidance:

Emerging District wide design guide SPD 2021

Interim Guidance Statement on Planning for the Climate Emergency February 2021

Planning Obligations SPD 2009.

## **Determining issues and considerations**

The key material planning considerations in determining this application are:

- a) Principle of development
- b) Impact on the character and appearance of the area
- c) Flooding and drainage
- d) Highways
- e) Landscaping
- f) The provision of recreation/community infrastructure

These matters are considered below

### Principle of development

Carhampton is a 'Primary Village' where policies SD1, SV1 and SC1 are applicable. Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area. The proposed development will contribute to the settlement and the wider area.

Policy SV1, advises that development in primary and secondary villages should be

designed to form an integral, harmonious addition to the settlements character and to help maintain or enhance their existing level of service provision and also help to create balanced communities at a level appropriate to their role and function. It is considered that the addition of these five dwellings are a harmonious addition to Carhampton which reflect the existing character of the area and which will enhance service provision by contributing to the village in terms of economic and social roles.

Policy SC1 guides that limited development in such areas could be considered, so long as the development would contribute to the wider sustainable benefits of the area, it must be within or in close proximity to contiguous built up area, and it must demonstrate the following;

a) It is well related to existing essential services and social facilities:- The site is within walking distance of the village hall, a pub and small shop via existing pavements down to the centre of Carhampton and the local facilities of a Post Office, Village Hall and Public House.

b) There must be safe and easy pedestrian access to services and social facilities:- Hill Lane, does not have a designated pavement/footpath, however part of the proposal is to create a 1.8 metre footpath linking to the bus stop on the A39, which will create a safe route to the pavement leading to local amenities.

c) Development respects the historic environment and complements the character of the existing settlement:- It is considered that the proposed detached dwellings could be designed to be in keeping with built development in the area which comprises of a mix of both semi-detached and terraced two storey housing in the area.

d) Development does not generate significant additional traffic movements over minor roads to and from National Primary and County Highway network:- An increase of vehicle movements on Hill Lane is inevitable and this is discussed further in the report. Access is proposed via an existing access point currently serving the field.

e) The development does not harm the amenity of the area and of adjoining land uses:- This application is for Outline permission and the submitted indicative layout of the five new dwellings would be an extension in close proximity (50m) to the contiguous built-up area of Carhampton which is classed as a Primary Village in the new local plan.

The definitions to policy SC1 makes clear that "limited development" in the context of Primary Villages means individual schemes of up to ten dwellings providing about a 10% increase in a settlements total dwelling numbers during the local plan period (to a maximum of 30% in any 5 year period). The Local Plan defines "limited development" as individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period. As the Development Plan should be read as a whole, the acceptability of any development is also with regard to all other relevant policies in the Local Plan. This proposal is for 5 dwellings and so fits within the definition of this policy requirement.

For all of these reasons, the proposed development is not considered to be contrary to the policy requirements of the West Somerset Local Plan and is acceptable in principle.

### **Impacts on the character and appearance of the area**

This proposed development is on partially undeveloped agricultural land which appears to be used as a dumping ground. There is a small block building on the site. The surrounding local vernacular consists of mostly bungalows. The indicative design suggests the 5 dwellings would be chalet type which would be consistent with the other dwelling styles in the vicinity.

At this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

### **Flooding and drainage**

The site is identified on the Environment Agency website as being located in Flood Risk Zone 1. This is the lowest flood risk area and is defined as being land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (that is less than 0.1%).

As the site is located within Flood Zone 1 and designated as having an extremely low risk of flooding by the Environment Agency, a Flood Risk Assessment is not required.

The Inspector's consideration of the site known as Garlands (ref 3/05/17/016), located south of this site concluded that there was no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

Comments returned from Wessex Water are noted, and should planning permission be granted an informative would be added to draw them to the applicant's attention.

Similarly a condition recommended by Highways could be added in regards to the provision of surface water to prevent discharge onto the highway.

### **Highways**

The Highway Authority has not raised an objection to the principle of five dwellings on the site and is satisfied that the indicative layout does seem to provide sufficient parking and turning for vehicles.

It is proposed to improve the visibility to the north and south by cutting back the existing hedge and reforming the existing grass bank. To the south of the access it is proposed to erect a low level stone retaining wall to accommodate the change in ground levels.

The Parish Council have drawn attention to the hedgerow. It is unlikely that cutting back of a section of hedgerow would require planning permission. If the hedgerow is protected the applicant would be required to submit a notification to the Council.

The Planning Inspector in the appeal decision at Garlands (3/05/17/016), which adjoins the same road, considered that that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

The proposed development is therefore considered acceptable on highways grounds, subject to conditions as suggested by the Highway Authority.

### **Landscaping**

The indicative layout appears to accord with local policies NH5 and NH13 of the West Somerset Local Plan to 2032 and the District Wide Design Guide. It is considered that further future information provided at the reserved matters stage would fully consider the impacts on the site and the wider area.

Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

### **Planning Obligations**

As only 5 dwellings are proposed, off site contributions are not required as noted in the NPPF and as such a contribution for affordable housing as outlined in Policy SC4 can not be requested.

Recreation/community infrastructure contributions are however required as outlined in guidance contained within Policy ID1: Infrastructure Delivery of the Local Plan, and also via adopted Council policy (Planning Obligations SPD, 2009). These are based on a contribution of £2,000 - £5,000 per dwelling, starting at the upper end of the range, depending on evidence being provided on the viability of the scheme and the level of contribution that can be paid. This should be provided for 2 or more dwellings in Carhampton.

The Agent initially indicated that the applicant would provide a unilateral agreement of £5,000 per dwelling. However, Ann Higgings, the LPA's consultant Lawyer emailed the solicitor for the applicant on 24 March 2021 advising that she would agree to them drafting the Unilateral Undertaking and again requesting an undertaking for payment of fees. To date no response has been received.

### **Conclusion**

It has not been possible for the Council's Lawyer to contact the applicant's solicitor and therefore the unilateral agreement of £5000 per dwelling has not been possible to secure. The proposed development is therefore contrary to the Council's SPD and

Policy ID1 and it is recommended for refusal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.





