



# **Planning Statement**

**In support of a Section 73 Application for revisions  
to approval 19/02321/REM (following approval  
18/01349/OUT): Redevelopment of Farm Yard and  
Buildings and the erection of 10 dwellings with  
access**

**at**

**New House Farm, Coombe Wood Lane, Combe St  
Nicholas**

## 1.0 **Introduction**

- 1.1 This Statement has been prepared in support of an application made under Section 73 of the Town and Country Planning Act 1990 to seek a revised scheme to be implemented following reserved matters approval 19/02321/REM, which itself was granted following outline approval 10/01349/OUT. The development has commenced.
- 1.2 The intention behind this submission and its relatively modest proposed amendments is to ensure the planning process allows the implementation of a development that provides a quality residential environment which works effectively with the site and its levels, is considerate of the needs of its occupiers for ease of movement, and assimilates into its context effectively and without detriment to existing residential amenity.
- 1.3 The relevant planning policies and guidance, both local and national, have been taken into account and give due regard when submitting this proposal. It is considered that nothing of note has changed in this respect since the previous permissions.
- 1.4 As set out in this Statement, and shown on the submitted plans, the development is considered to be acceptable and this Section 73 should be granted.



## 2.0 **The Site and its Setting**

2.1 The site is located on the southern edge of the village of Combe St Nicholas and comprises of the farmyard and buildings associated with New House Farm. There is a dwelling to the direct west which is excluded from the development site.



2.2 The site is accessed via Combe Wood Lane to its north (which in turn leads to Combe Hill to the east), and has agricultural land to the south, east and west. The main area of residential development in the village lies to the north of Combe Wood Lane.

- 2.3 The buildings on site have been in agricultural use including housing livestock, machinery workshop/storage, hay and feed storage (see the photograph above). Some of the structures have now been demolished in preparation for the residential development.
- 2.4 In terms of topography the site slopes southwards from the highway edge to its southern boundary. This topography informs any potential development of the site and how it should respond to its characteristics and context; it is the levels of the site, and how the development responds to it, that have led to the submission of this revised Section 73 proposal.

### **3.0 Planning History**

- 3.1 Outline planning permission 18/01349/OUT was granted in March 2019 with the description “Outline application for the redevelopment of farmyard and buildings and the erection of up to 10 dwellings and access thereto”.
- 3.2 Reserved Matters application 19/02321/REM was granted 5<sup>th</sup> March 2020 with the description “Reserved matters application seeking the approval of layout, scale, external appearance and landscaping pursuant to condition 01 of Outline planning permission 18/01349/OUT for the redevelopment of farmyard and buildings and the erection of up to 10 dwellings and access thereto”.
- 3.3 A number of conditions required discharge prior to the commencement of works on site. Condition 4 of the RM approval requires details of the estate access arrangements (roads, footways, gradients, etc) to be submitted prior to construction commencing. Details were submitted and formally discharged on the 15<sup>th</sup> September 2020. Work has commenced on site.
- 3.4 A Non-Material Amendment – 22/0554/NMA – was submitted to allow for the footprint of the dwelling on Plot 6 to be moved west by 1.6m, carports to plots 1 and 3 set back by 1.6m, and some changes to internal estate road levels.

#### 4.0 This Section 73 Proposal

4.1 **Overall the key objective of this submission made under Section 73 of the Town and Country Planning Act 1990 is to deliver planning betterment beyond the scheme initially approved.** The scheme currently does not make effective or efficient use of the site's levels and will not result in a development which is designed to the optimal level possible. On plan, in 2D, the proposal looks like it makes good use of the site, however in practice this has not proved effective, particularly with the provision of an adoptable road and the constraints that exist around its design and construction. There is a wealth of planning policy and guidance which directs the planning system to deliver well designed spaces; this Section 73 submission is the result of assessing the site and the proposed development and improving it. To do this the proposed finished levels on the site will be revised (see the submitted plans and section), and will therefore result in:

- **Delivery of a site that works better within its context/the public realm** – the relationship of a number of the Plots, notably plots 1 and 2, with the public realm can be dramatically improved by raising their floor levels. Developing with the previously approved levels would result in a drop from 152.455 at the rear of the highway edge down to 150.800 to the floor level of the dwelling, a drop of 1.655m. This will necessitate a retaining wall which is 2.25m in part. Pedestrians walking past the site will effectively be looking at the dwelling on Plot 1 at first floor level. The relationship is clearly neither effective or good planning. In addition, it is submitted that any impact upon residential amenity from the change is negligible and acceptable; the dwellings are still set down on the site (see the sections with comparative detail), do not encroach any closer than the approved site, and overall does not increase impacts upon amenity/privacy of the nearest dwellings. The building heights are shown in this submission in relation to the existing agricultural building and it shows a reduced mass and limited change in terms of height.

- **Creates a site that works as effectively as possible with the levels of the site** – as the estate road is to be constructed to adoptable standard it has to comply with certain requirements relating to widths, gradients, etc. As a consequence of these requirements and the impact upon the levels of the development the relationship with dwellings and their drives has to change; there are limits to what gradient driveways can be constructed to, and how many pedestrian steps are acceptable to potential occupiers to access their property; accessibility is an important consideration for the planning system to deliver residential developments that meet the needs of residents as effectively as possible. These points emphasise the poor quality of the environment that will result if the development is delivered as approved. In addition there is the increased risk of flooding to plot 6 as a result of the current arrangement.



- **Delivers a site that is usable and easily navigable for its occupants and visitors** – as noted above, going from the adoptable estate road to the dwellings by vehicle, cycle or on foot is not easily navigated. All plots require the provision of steps to access the dwelling and/or parking spaces and gardens. The accessibility and adaptability of the dwellings therefore is not to the level that should be delivered through the modern planning system, which requires a strong focus on delivering well designed places (see below).
- **Deliver a well-designed, attractive scheme** – the planning process exists to create well designed places (also see Section 5 below). Currently the approved scheme would not maximise the benefit that can be achieved from developing the site. This Section 73 submission therefore provides an opportunity to ensure the requirements of both policy and national guidance are met, and to create a high quality, beautiful

sustainable development. It appears insufficient consideration has been given to how the development would work effectively with the site in practical terms, how it could result in a suitable environment for occupants to navigate, and how it would be experienced by occupants and visitors within the landscape.

- **Delivering sustainable development** – as a cornerstone of the planning system, it is important to take sustainability into account. This is set out in planning policies and guidance (see Section 5). A more effective response to the levels on the site will mean less spoil having to be removed from the site and sent to landfill, meaning less large vehicle movements. This will mean less impact upon the road network and upon neighbours around the site.

#### Potential additional revision to improve the consented scheme

- 4.2 Given the topography of the site a further possible enhancement to how the development works on the site could be to redesign the dwellings on the lower part of the site i.e. plots 8, 9 and 10. There is the potential to replace them with split level dwellings that could reduce their visual impact from the north, making them appear single storey from the adoptable internal estate road and highway beyond. **The applicant would welcome a discussion if the Case Officer considers this a realistic improvement that could be implemented as part of a revised scheme.**



## 5. Planning Policy/Guidance Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications “*regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”. In this case, the development plan consists of the South Somerset Local Plan 2006-2028, adopted March 2015. Nationally the **National Planning Performance Framework** (as revised) gives guidance on planning policy making and decision taking and is a material consideration. The National Design Guide also provides guidance on design.
- 5.2 The plan notes (in its Vision for 2028) that housing will be of the highest standard of design. New development will be accessible by all forms of transport and “be able to address any physical constraints” (Settlement Hierarchy, paragraph 5.3).
- 5.3 Policy EQ2 (General Development) refers to design and sets out what is expected of new development.

*Development will be designed to achieve a high quality, which promotes South Somerset’s local distinctiveness and preserves or enhances the character and appearance of the district. Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:*

- *Sustainable construction principles;*
- *Creation of quality places;*
- *Conserving and enhancing the landscape character of the area;*
- *Reinforcing local distinctiveness and respect local context;*
- *Creating safe environments addressing crime prevention and community safety;*
- *Having regard to South Somerset District Council’s published Development Management advice and guidance; and*
- *Making efficient use of land whilst having regard to:*
  - *Housing demand and need;*
  - *Infrastructure and service availability;*



- *Accessibility;*
- *Local area character;*
- *Site specific considerations*

*Innovative designs delivering low energy usage and/or wastage will be encouraged. Development must not risk the integrity of internationally, nationally or locally designated wildlife and landscape sites. Development proposals should protect the residential amenity of neighbouring properties and new dwellings should provide acceptable residential amenity space in accordance with Policy HW1.*

- 5.4 The supporting text refers to EQ2 elaborates on what is expected; for example, paragraph 13.29 notes:

*All development will be expected to achieve high quality architectural and urban design standards, creating places that are attractive, durable and function well. All developments will be expected to achieve high environmental standards and levels of sustainability. All buildings should be designed to be fit for purpose, and adaptable in their use to suit changing occupier needs over time.*

- 5.5 Paragraph 13.33 states:

*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. Consideration of the relationship to adjoining buildings and landscape features will be encouraged.*

#### National Planning Policy Framework (as revised)

- 5.6 The National Planning Policy Framework (NPPF), as revised, provides Government guidance to the planning system, and is an important material consideration when determining this submission. Some key aspects of its

guidance that are relevant to the determination of this application are noted below.

5.7 The NPPF notes that “*The purpose of the planning system is to contribute to the achievement of sustainable development*”. Planning enshrines social, economic and environmental objectives at its core, and they are to be delivered through the preparation and adoption of plans, which are to be kept up to date.

5.8 Section 12 relates to “Achieving Well-Designed Places”. Paragraph 126 states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

5.9 Paragraph 130 states:

*Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>;*

*and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 5.10 Paragraph 132 states “*Design quality should be considered throughout the evolution and assessment of individual proposals*”.
- 5.11 It is also worth referencing Paragraph 135, which refers to the need to ensure development quality does not diminish between approval and completion. In this case, the Section 73 submission seeks to improve the scheme from that originally approved.

The National Design Guide “Planning practice guidance for beautiful, enduring and successful places” (October 2019)

- 5.12 This document (NDG) provides more detailed advice than the NPPF when it comes to creating well-designed places, setting out the benefits of doing so.
- 5.13 The NDG sets out the Ten Characteristics of well-designed places. Of particular relevance to this Section 73 submission are **Context** (enhancing the surroundings), **Built Form** (delivering a coherent pattern of development), **Movement** (accessible and easy to move around). The impact of not getting the levels right as part of the development will impact upon all these elements.

## 6.0 Conclusion

- 6.1 The planning system is charged with delivering high quality and well designed spaces. This Section 73 proposal seeks to make improvements to a scheme that has been granted planning permission by working more effectively with the levels, considering the amenity of neighbouring dwellings, and to ensure on a practical level the development works well with the site and its context. It is clear that the approved site needs to be revised to allow the best quality development to be achieved on this site.
- 6.2 The relevant negative issues relating to implementing the existing permission have been assessed and the submitted plans for consideration demonstrate that by changing the levels the site can be more accessible, well designed and more effective in meeting the needs of occupiers and visitors and their amenity. In addition, the potential impact of flooding and run-off has to be a material consideration and the proposed revisions can address that risk.
- 6.3 Having given regard to the relevant policies in the adopted development plan and the relevant guidance, it is clear that this proposal is acceptable as it seeks to deliver planning betterment than the approved scheme.
- 6.4 Paragraph 4.2 refers to further potential improvement – by providing split level dwellings on plots 8 to 10 – and this is raised for the Case Officer’s consideration. The applicant is open to discussion about this alteration through the course of considering this Section 73 application.
- 5.6 Given these considerations it is submitted that permission should be granted for this Section 73 application.

*End – April 2022*