

Officer Report On Planning Application: 13/03663/FUL

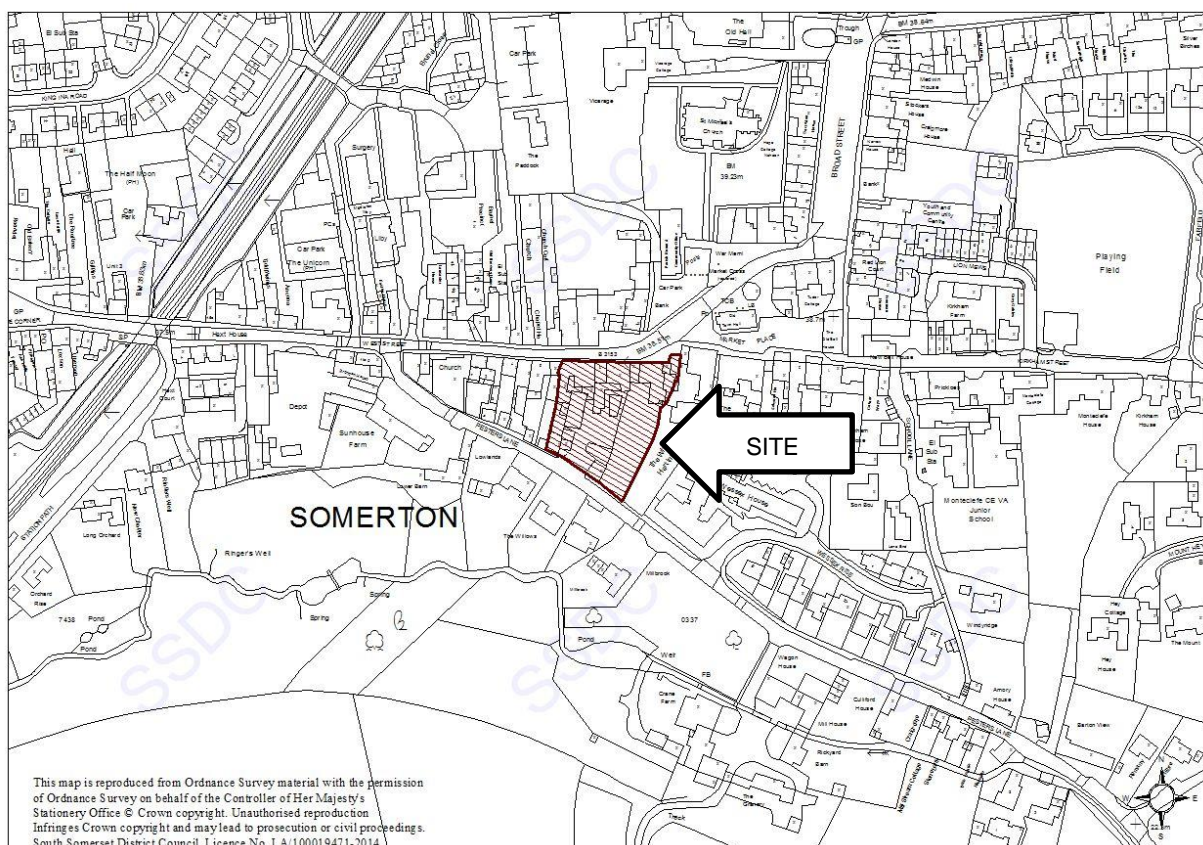
Proposal :	Demolition of various structures, erection of 7 no. 2 bedroom houses, refurbishment of existing premises along West Street to create 6 retail units and change of use and extension of various 1st floor residential and business accommodation to 7 flats (6 no. 2-beds and 1 no.1-bed) (GR:348990/128498)
Site Address:	1-4 West Street, Somerton, Somerset.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	16th December 2013
Applicant :	Somerton Park Ltd
Agent: (no agent if blank)	John Sneddon, Unit 2, Eclipse Office Park, High Street, Staple Hill, Bristol BS16 5EL
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of the Ward Members, with the agreement of the Area Chair to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located in the centre of Somerton, within the Conservation Area, less than 30 metres from the Market Place to the east. The site fronts onto both West Street and Pesters Lane, with the application site adjoining The White Hart Inn to the east, and a residential property to the west. The West Street frontage contains 2 storey buildings, comprising a mix of retail and residential accommodation, including The Old Courthouse and 1-4 West Street. The rest of the site contains a number of rear extensions, garaging and storage buildings running towards Pesters Lane, along with areas of open space comprising a mix of hardstanding and grassed areas. Stone boundary walls form both the eastern and western boundaries.

The Courthouse building, located in the north east part of the site, contains retail and residential accommodation and a gallery for the Somerset Guild of Craftsmen. Vehicular access can be gained from West Street through the narrow arched passageway in between the former Courthouse and 1-4 West Street however the site is generally accessed from Pesters Lane.

The proposal is for the extension and conversion of the West St frontage to 7 flats (6 two-bed and 1 one-bed) with 6 retail units at ground floor, the clearance of the rear part of the site and erection of 7 two-bedroom houses together with access from Pesters Lane and associated parking (29 spaces). Amended plans have been provided (20/11/13) to omit windows.

The application is supported by a Planning Statement, Design and Access Statement Transport Statement, Travel Plan, Archaeological and Heritage Assessment, Statement of Community Involvement, Affordable Housing Statement, Sustainability Assessment,

Drainage Design Strategy and an Ecological Survey Report. Subsequently, at the request of the Council's ecologist a Bat Survey has been provided (20/06/14).

RELEVANT HISTORY

09/03669/FUL Permission granted at appeal for refurbishment and regeneration of existing retail units, and creation of a mixed use scheme including a care home, assisted living and extra care apartments

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST10 - Planning Obligations
EH1 – Conservation Areas
EH5 – Setting of listed buildings
EH12 – Archaeology
EC8 - Protected Species
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP2 – Travel Plans
TP4 - Road Design
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 - Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Somerton Town Council – Support subject to no garages opening direct on to Pestors Lane, retention of archway access from West Street and ecological issues being addressed.

County Highway Authority – no objection subject to conditions. With regard to issues raised locally the following comments are offered:-

1. **Traffic Regulation Order (TRO)** – *it has been brought to my attention that one of the conditions attached to the previous application approved at Appeal sought to amend the existing TRO on Pestors lane and not mentioning it in my earlier email was an oversight and I would therefore recommend that the same condition be attached to any consent granted by the LPA.*
2. **Deliveries** – *This was again an aspect of the previously approved application that was considered by the Inspector and was satisfied that it would not be issue by attaching a suitable condition to the previous consent, notwithstanding the fact that the retail units which form part of the development have the benefit of extant consent. As such I would recommend that is the LPA Planning committee is concerned about deliveries to the development, that a similar condition be attached to any consent.*
3. **Parking proposals** – *As the planning officer will be aware I made reference in my original response to the number of parking spaces being proposed on site meeting the appropriate standard. That said, I understand that concern has been expressed about the two garages being proposed on the Pestors Lane frontage, it is self-evident however that Pestors Lane is traffic calmed and there are a number of existing garage sized buildings on the site which front Pestors Lane in a similar manner. It is also understood from paragraph 4.10 of the Transport Statement that the developers are proposing that houses 1 and 4 will have automatically controlled garage doors which will open automatically so that vehicles do not have to wait in Pestors Lane while an occupant of the car has to get out of the vehicle to open the garage doors. Such an arrangement would also have the added benefit of firstly effectively self-regulate parking in front of these properties (and existing ones on the opposite side of the road) as it would be an offence to park a car in front of the garages (blocking access) and secondly ensuring that visibility from the main vehicular access point is adequately maintained. As such I consider the proposed arrangement to be acceptable.*
4. **APC Liability** - *The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.*

English Heritage – recommends determination in line with SSDC specialist conservation advice.

Landscape Architect – no objection subject to agreement of external materials

Tree Officer – No objections.

SSDC Community Health and Leisure – Requests a contribution of £4,165.39 per dwelling (total £49,984.79) towards mitigating the impact of the development on sports arts and leisure facilities. Such obligations would be directed towards:-

- the enhancement of the equipped play area at Etsome Terrace, Somerton (£9,462.40);
- the enhancement of the youth facilities at Gassons Lane Recreation Ground, Somerton (£1,857.98);
- the enhancement of the playing pitches at Gassons Lane Recreation Ground, Somerton (£4,628.28);
- the enhancement of the changing facilities at Gassons Lane Recreation Ground, Somerton (£9,369.86);
- Commuted sums to above £10,211.02:
- expanding and enhancing the Octagon Theatre in Yeovil (£3,651.26).
- the development of a new 3G AGP at Huish Episcopi Academy School (£937.81);
- towards the development of a new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil (£2,135.37);
- the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (£2,764.55).
- the enhancement of the sports hall at Huish Episcopi Academy School or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil £4,444.27.

A leisure monitoring fee of £494.90 is also sought.

Economic Development – Suggests the provision of a loading bay for the retail units.

Area Development Manager – Concerned to see that the retail component is delivered.

County Archaeologist – No objections subject condition to require archaeological monitoring of the development and a report made of any discoveries.

Ecologist – Requested bat survey as original bat information was considered out of date. Has now confirmed that the submitted ecology report and survey are acceptable. Recommends ecological safeguarding conditions.

Climate Change Officer – Encourages the use of renewables

Environmental Health: No observations

Wessex Water: No objections raised.

South Somerset Disability Forum – Notes that proposed access ramp from West St is steep.

Open Spaces Officer – No contribution sought.

Area Engineer: No objections raised.

Environment Agency: No comment to make on this application.

REPRESENTATIONS

7 residents have raised the following issues:-

- Garage doors should not open directly onto Pestors Lane which is a busy, narrow road;
- Height of extended building would have poor relationship with listed White Hart;
- Three storey buildings fronting pestors lane would be too dominant
- Up-to-date ecology surveys are needed;
- Drainage needs careful consideration;
- Rear access to West St premises should be provided ;
- Narrow pedestrian access to West St is dangerous;
- This is an improvement on the previous scheme and is supported
- Any parking on Pestors Lane would be dangerous

CONSIDERATIONS

It is considered that the proposal is acceptable in principle subject to consideration of the following:-

- Access and parking
- Visual impact
- Residential amenity
- Ecology
- Planning obligations

Access and Parking

It is considered that the proposal incorporates sufficient parking (29 spaces) for 14 modest units in this town centre location and as such complies with the Somerset Parking Strategy and it is noted the proposed access is supported by the highways authority. No highways safety objection is raised to the pedestrian walkway through to West Street.

Whilst there are local concerns about the configuration of the garages facing onto Pester's Lane, the highways authority does not share these concerns for the reasons set out in their comments above. On this basis it is considered that these local concerns could not sustain a reasonable objection.

Accordingly it is considered that this aspect of the proposal complies with the Council's saved policies.

Visual Impact

It is considered that the proposal new buildings would create an acceptable frontage to Pestors Lane. Whilst the houses fronting the lane would have 3-storeys, the top floor would comprise rooms in the roof-space and the buildings would not therefore appear as full height 3-storey structures as feared by local residents. Within the site the alterations to the West St frontage buildings are considered appropriate and of a suitable scale. Overall it is considered that the proposal would preserve and enhance the character and appearance of the conservation area.

Although there are local concerns about the relationship with the listed White Hart it is not considered that this is objectionable. Accordingly the proposal is considered to comply with saved policies ST5, ST6, EH1 and EH5.

Residential Amenity

It is considered that the proposal would provide a suitable standard of amenity for future occupiers in terms of amenity space, parking and outlook. With regard to existing residents it is considered that an appropriate relationship would be created with existing properties. The relationship with the rear garden of the White Hart is noted, however the environmental health officer raised no objection.

Accordingly it is considered that the proposal complies with the requirements of policy ST6.

Ecology

Whilst the initial report relied on an out of date bat survey the applicant has now provided a new survey. It is accepted that this development will result in the destruction of bat roosts and there it needs to be assessed against the 3 Habitats Regulations tests. Permission can only be granted if all three derogation tests are satisfied. The tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

In respect of test 3, our ecologist concludes that the favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation by condition. The surveys in May/June 2014 recorded brown long-eared bat, common pipistrelle, and soprano pipistrelle emerging from or entering roosts on site. Numbers observed were limited to one or two individuals only. These three species are all considered to be relatively common, both locally and nationally. Lesser Horseshoe bat was also recorded roosting. This is a rarer species with a limited UK distribution although has been recorded in small numbers at widespread locations across South Somerset district. Again, only a single individual was recorded. The mitigation recommended in the survey report is consistent with Natural England guidance and there is scope for such replacement roosting opportunities to be provided. Such mitigation can be secured by condition.

With regard to the other tests it is considered that the benefits of renovating and bringing the site into use include social and economic benefits that clearly could not be met at another site. Given the ecologist's comments in relation to the numbers of affected bats and the scope for agreeing mitigating measures, it is considered that the proposal complies with saved policy EC8.

Planning Obligations

This proposal for 14 houses on a site of less than 0.5 hectares falls below the threshold for affordable housing. The developer is agreeable to the requested sports, arts and leisure obligation and the appropriate monitoring fee. As s106 agreement has been provided to deliver these obligations.

Other Issues

No objection has been received from the Environment Agency, Wessex Water or the Council's engineer to the proposed drainage, the details of which can be satisfactorily agreed by condition. The county archaeologist has suggested a condition to address the archaeological potential of the site.

Whilst dedicated servicing for the retail premises would be helpful, the lack of such facility, not enjoyed by many other premises, could not reasonably sustain a refusal. As an adopted road, the new 'mews' would be available for delivery vehicles.

Conclusion

Notwithstanding local concerns it is considered that the proposal would make good use of this town centre site, with an appropriate mix of retail premises, 14 modest residential units and associated parking. Any highways impact would not be severe and character and appearance of the conservation area would be preserved and enhanced without detriment to ecology, drainage or residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

RECOMMENDATION

That application reference 13/13/03663/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Provide for a contribution of £49,489.79 (or £4,165.39 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) Provide for a S106 monitoring based on 20% of the outline planning application fee.
- b) The following conditions:

Justification

Notwithstanding local concerns it is considered that the proposal would make good use of this town centre site, with an appropriate mix of retail premises, 14 modest residential units and associated parking. Any highways impact would not be severe and character and appearance of the conservation area would be preserved and enhanced without detriment to ecology, drainage or residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by other conditions attached to this permission):
P100 P2; P113 P3; SK53 P1; E110 P3; E112 P3; E111 P3; E113 P3; E114 P2; SK52 P1; P110 P4; P111 P3; P112 P3; S100 P2; S101 P1; C102; C101

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries
 - d. details of the rainwater goods and eaves and fascia details and treatment.
- Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EH1, ST5 and ST6 of the South Somerset Local Plan.

04. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with policy EH12 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

06. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

07. No development hereby approved shall be commenced until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques where appropriate and shall include measures to prevent surface water from private properties draining onto the public highway. Once approved such details shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the South Somerset local Plan.

08. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

09. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 286620 P4 and shall be available for use before any work commences on the dwellings hereby approved. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

10. Before any dwelling hereby permitted is first occupied, a footway shall be constructed over the Pestors Lane frontage of the site as shown generally in accordance with drawing number 286620 P4 and to a specification approved in writing by the Local Planning Authority prior to commencement of any work on the site.

Reason: In the interests of highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

11. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity and highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

12. The area allocated for parking and turning on the submitted plan, drawing number 286620 P4, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason To ensure that the development is served by sufficient parking to meet future residents needs in accordance with the Somerset Parking Strategy (2012).

13. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the splay areas having co-ordinates of 2.4m by 33m on each side of the junction of the proposed estate road with Pestors Lane. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

14. All the recommendations of the Travel Plan by Transport Planning Associates dated September 2013 submitted with the application shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason In the interests of sustainable development in accordance with saved Policy TP2 of the South Somerset Local Plan.

Informative:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
-