

## Officer Report on Planning Application: 14/00925/FUL

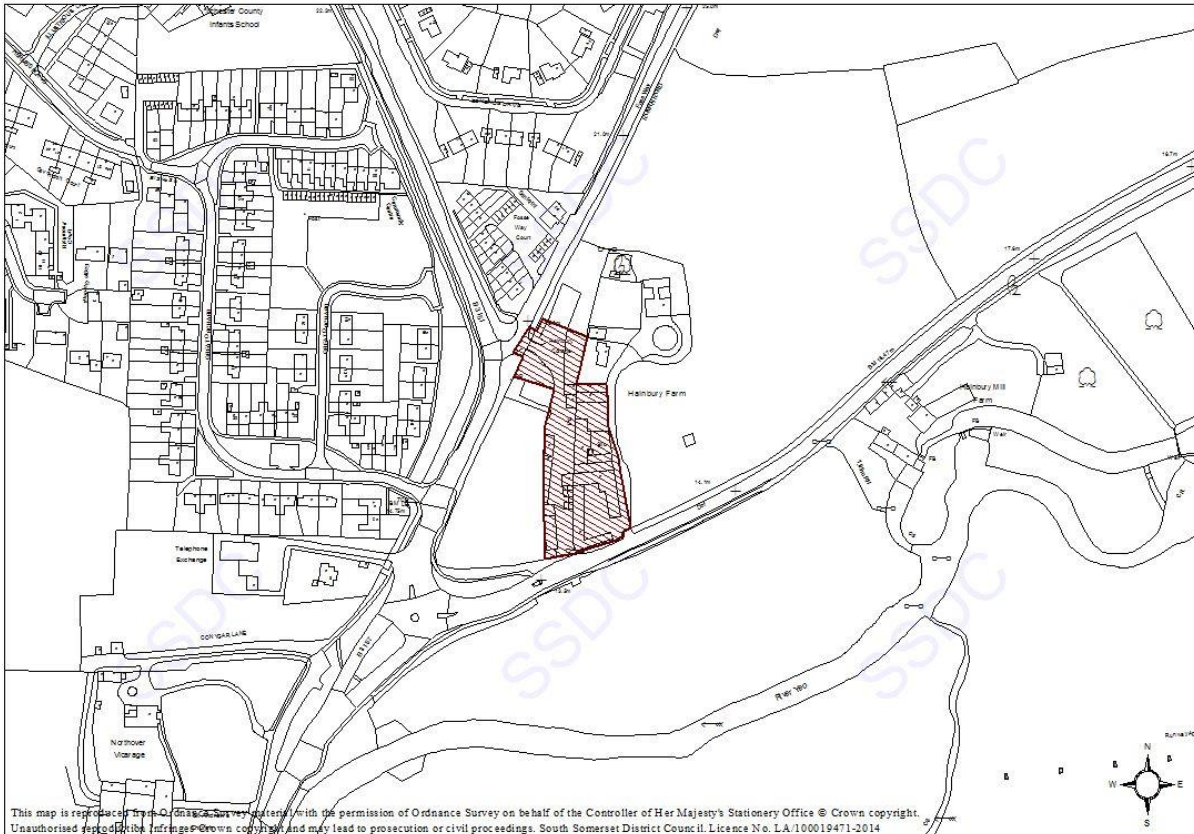
<b>Proposal :</b>	Alterations and the conversion of existing agricultural buildings to create 7 no. dwellings (GR 352549/123314)
<b>Site Address:</b>	Hainbury Farm Ilchester Yeovil
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
<b>Target date :</b>	28th April 2014
<b>Applicant :</b>	The Executors Of Mrs PCH Young (Deceased)
<b>Agent:</b>	DK Planning And Development Ltd, Regal House 61 Rodney Road, Cheltenham, GL50 1HX
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

In July 2014, the Area East Committee resolved to approve this application, subject to the prior completion of a Section 106 agreement to secure a contribution of £24,737 towards outdoor playing space, sport and recreation facilities. Following the government's decision (in November 2014) to remove tariff-style planning obligations for small developments of 10 homes or less, the Council can no longer require this Section 106 agreement to be completed. The application has therefore been brought back before Committee. Currently, the application cannot be determined, as without the S106 agreement it would be contrary to the Committee's original resolution.

### SITE DESCRIPTION AND PROPOSAL





### **The site and surrounding area**

The site is located outside of any development area, off the B3151 Yeovilton Road on the north eastern side of Ilchester and forms part of Hainbury Farm. A second vehicular access is gained off the Old Fosse Way. The site comprises a group of linked and detached one and two storey stone barns. Some are arranged around an enclosed yard, whilst the others front onto a less enclosed hardstanding. Two of the buildings are grade II listed, whilst the others are protected due to their physical attachment or proximity to the listed buildings. The barns are on the council's 'Buildings at Risk register'. To the north of the site is Hainbury Cottage and Hainbury Farmhouse (grade II listed). The stone barns form part of the setting of this listed farmhouse.

The farm is a commercial dairy and arable holding, and comprises 183 acres of land, together with an additional 20 acre supplementary land parcel. The main group of farm buildings are now located at the Dairy Unit further up Old Fosse Way, and this is where the principal farming activities take place.

The stone barns at the application site have been subject to two arson attacks, the most recent being in September 2011. This substantially destroyed one of the barns, which has now been rebuilt. The buildings and yards have also been subject to vandalism.

In 2004, planning permission was granted for the conversion of the stone barns into commercial units (B1 use); however, this permission was not implemented.

### **The proposals**

This application proposes the conversion of the stone barns into 7no. residential units, comprising 1no three-bedroom dwelling and 6no. two-bedroom dwellings. The enclosed yard is to be retained as existing. Car ports are to be provided within existing barns and structures,

and each dwelling will have a private garden space. A separate covered/secure cycle parking and bin store is also to be provided. The proposed vehicular access for all of the units is to be off Old Fosse Way, and the existing access onto the Yeovilton Road will no longer provide vehicular access to the barns.

**Supporting documents:**

- An Environmental Noise Assessment document has been submitted with the application, due to the site's proximity to RNAS Yeovilton.
- A Heritage Appraisal and Impact Assessment has been submitted which assesses the proposals in relation to the historic environment.
- A Protected Species Survey and report has been submitted which particularly looks at the presence of bats and birds within the site.
- A Transport Statement has been provided which looks at access and parking issues
- A Flood Risk Assessment has been carried out, as whilst most of the site is within Flood Zone 1, the southern fringe is within Flood Zones 2 and 3.
- A Structural Survey
- A Transport Statement
- Marketing information

**RECENT HISTORY**

12/00519/LBC - Re-building of fire damaged barn - conditional consent - 09/02/2014  
04/00190/COU and 04/00253/LBC - The conversion of barn outbuildings into commercial units, light industrial and office use - conditional approval - 01/06/2004  
99/01285/LBC - reinstatement of fire damaged barn - conditional consent - 07/12/1999

**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.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of the saved policies of the South Somerset Local Plan (2006).

- South Somerset Local Plan (adopted 2006)
- ST3 (Development Areas)
- ST5 (General Principles of Development)
- ST6 (Quality of Development)
- EC3 (Landscape Character)
- EC8 (Protected Species)
- EH3 (Listed Buildings)
- EH5 (Setting of Listed Buildings)
- EH7 (The Conversion of Buildings in the Countryside)
- EP1 (Pollution and Noise)
- ME7 (Retention of Land and Premises in Rural Areas)

Regard must also be had to:

- National Planning Policy Framework - March 2012
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design

Chapter 11 - Conserving and enhancing the natural environment  
Chapter 12 - Conserving and enhancing the historic environment

Somerset Parking Strategy (2012)

## **CONSULTATIONS**

**Parish Council** - Supports the application

**County Highway Authority** - No objections, subject to conditions (see recommended conditions at end of report)

**Environmental Protection** - Recommends refusal due to the proposal's failure to comply with saved policy EP1 of the South Somerset Local Plan (Pollution and Noise). However, should the application be approved, he recommends that a condition relating to acoustic insulation be attached to the decision notice.

**English Heritage** - The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

**Conservation Officer** - No objections subject to conditions (- the majority of these, aside from a landscaping condition (see end of report) can be attached just to the associated listed building consent)

**Natural England** - Standing Advice applies (as per the District Ecologist's advice)

**District Ecologist** - No objections, subject to a condition relating to mitigation of the impact on bats and an informative relating to the requirement for a European Protected Species Mitigation Licence to be obtained.

**Environment Agency** - No objection in principle, subject to the inclusion of conditions and informatives (see end of report)

**Economic Development** - No objections

**Landscape Architect** - No objections

## **REPRESENTATIONS**

A general observation has been received from a nearby resident relating to the access arrangements, noting that it is not entirely accurate (see 'Highways' under the 'CONSIDERATIONS' section, below). However, the Highway Authority has raised no objections to the scheme, subject to conditions.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSIDERATIONS**

The main areas for consideration are:

- Principle of development

- Listed buildings
- Bats and birds
- Landscape character
- Flooding
- Noise pollution
- Highways
- Residential amenity

### **Principle of development**

The National Planning Policy Framework 2012 (NPPF) is supportive of the proposed conversion of the existing barns to residential accommodation. The proposal is in line with paragraph 55 of the NPPF, as it is development that would re-use redundant and disused buildings and their conversion would enhance the immediate setting, by reason of them not being allowed to fall further into disrepair. Additionally, It places importance on "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

New Permitted Development rights (Class MB of the General Permitted Development Order) for the conversion of barns to residential came into force in April of this year. These allow up to three additional dwellings to be created through the conversion of barns without the requirement for planning permission (subject to various criteria). Whilst not wholly relevant to the proposed development (due to the buildings' listed status and the number of dwellings proposed), this new class is indicative of the government's desire to boost the supply of new housing in rural England.

Saved policy EH7 of the South Somerset Local Plan (adopted 2006) relates to the change of use of buildings outside development areas to residential use. It states that this will be permitted provided that:

1) *Every reasonable attempt has been made to secure suitable business reuse* - this criterion is no longer relevant, since the NPPF has effectively removed the requirement for marketing to take place. Nonetheless, marketing information has been received with the application, and the Economic Development officer is satisfied with the information provided that the site has been sufficiently marketed for business use.

2) *The buildings are of permanent and substantial construction and are capable of conversion without major reconstruction* - the submitted structural survey, which was carried out in December 2013, concludes that *All of the barns which are to be subject to conversion into residential accommodation are presently suitable for conversion without the need for significant structural repair and/or rebuilding*. With the above in mind, it is considered that this criterion of policy EH7 has been met.

3) *Their form bulk and general design are in keeping with their surroundings* - this criterion will be discussed in detail in the 'listed buildings' and 'landscape character' sections below. As will be seen, it is considered that this criterion of policy EH7 has been met.

4) *Any legitimate planning objections which would otherwise outweigh the advantages of reuse can be overcome by the imposition of reasonable planning conditions* - The only planning objection received is in relation to noise from nearby RNAS Yeovilton. This will be discussed below under 'Noise Pollution'. As will be seen, it is considered that this objection can be overcome with the imposition of a condition.

Having regard to the above points, it is considered that the requirements of saved policy EH7 and the NPPF have been met, and as such, the principle of the proposed development is

considered to be acceptable.

### **Listed Buildings**

Following receipt of amended plans to address a couple of initial concerns about the details of the scheme, the conservation officer has commented that he is satisfied that the scheme responds sensitively to the character and significance of the buildings and their setting, and he therefore has no objection to the proposal. He recommends the use of various conditions, although most of these are relevant to the associated listed building application. It is therefore considered that the proposed development will have an acceptable impact on the listed buildings and their setting.

### **Bats and Birds**

The bat and bird survey highlights the presence of a low number of bats at the site, which is also used for nesting or roosting by swallows, Barn Owls and Little Owls. Mitigation will therefore be required to satisfy legislation (Habitats Regulations 2010) and planning policies (NPPF, Local Plan Policy EC8). The recommended mitigation measures are detailed in the bat and bird survey report. The ecologist raises no objection to the scheme, subject to a condition requiring submission and approval of full details of mitigation prior to commencement of the development and an informative relating to the need for a protected species licence (see condition at the end of this report).

As the development will potentially cause disturbance to bats, an assessment against the three Habitats Regulations tests is required - permission may only be granted if all three tests are satisfied:

- 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'* - The listed buildings are on the council's 'buildings at risk' register and therefore it is important that they are brought back into a use of some sort and maintained properly. It is considered that the proposed development is in the overriding public interest in terms of its positive impact on the historic environment.
- 2) *there is no satisfactory alternative* - As stated above, the listed buildings are on the council's 'buildings at risk' register and therefore it is important that they are brought back into a use of some sort and maintained properly. As such, it is considered that there is no satisfactory alternative site for the development to be carried out.
- 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'* - The ecologist considers that as appropriate mitigation for the species is proposed (and secured by condition), favourable conservation status is likely to be maintained.

It is therefore considered that the proposal will have an acceptable impact in relation to birds and bats at the site.

### **Landscape Character**

The Landscape Architect commented that "Built form is established here, in a traditional compact arrangement. I note that minimal amendment to the building form and footprint is intended, and that the residential area is appropriately contained. Thus I have no substantive landscape issues to raise." A landscape condition can be imposed on the decision notice which will control landscape issues such as surfacing, planting, hedges, boundaries and works to the gate piers. It is therefore considered that the proposed development will have an acceptable impact on landscape character.

### **Flooding**

Whilst the site largely lies with Flood Zone 1, its southern fringe lies within Flood Zones 2 and

3. As such, a Flood Risk Assessment (FRA) was submitted with the application. The Environment Agency (EA) was consulted on the scheme, and raised no objections to it, subject to a condition requiring that work is carried out in accordance with the FRA, and that the mitigation measures detailed in the FRA are implemented. The EA has also requested that various informatives and recommendations are attached to the decision notice (see end of this report).

### **Noise Pollution**

The site is located close to RNAS Yeovilton. As such, an Environmental Noise Assessment report was submitted with the application. The council's Environmental Protection officer was consulted on this, and responded as follows: *"The application site is within Noise Exposure Category (NEC) D, as defined in Policy EP1 and Appendix A.6 of South Somerset Local Plan 2006, due to noise from aircraft associated with RNAS Yeovilton. This policy states that states that new build in these areas should be refused. Extensions and conversions to existing residential should be provided with suitable acoustic insulation. As the policy still stands I'm am obliged to therefore recommend refusal. However the applicant has aslo submitted a noise survey, (Hainbury Barns Ilchester Environmental Noise Assessment, 26th September 2013) by Mr David O'Neill which indicates that the noise exposure of the site is considerably lower than stated in the policy. This assessment is consistent with the report commissioned by South Somerset DC in July 2010 (Aircraft Noise Contours for the Royal Naval Air Statio at Yeovilton) by Bureau Veritas. This report forms the evidence base for the new contours which are referred to in the new Local Plan which has yet to be adopted.*

*Bearing this in mind, should the application be approved I would recommend the following condition. 'I would recommend the applicant submit a scheme of works for acoustic insulation for approval by the LPA prior to development. Such a scheme should refer to the measures recommended within the O'Neill report.'"*

Whilst the new Local Plan has not yet been adopted, initial Local Plan Examination Hearing sessions have taken place. The Inspector raised some issues of concern relating to the soundness of the Plan, although these did not relate to the new contours which are referred to in the evidence base. As such, it is considered that the new contours are more relevant to this application than those in the adopted Local Plan policy. It is therefore considered that the conversion of the barns to residential use is acceptable providing suitable acoustic insulation is installed, which can be secured via the condition recommended by the Environmental Protection officer.

### **Highways**

The application proposes an upgrade to the site's Old Fosseway access junction, including improved visibility splays and a footpath link from the site to the existing footpath. The site will only be accessed via Old Fosseway (currently the secondary access to the site), and the existing main access off Costello Hill will only be used by vehicles accessing Hainbury Farmhouse and the adjacent cottage. A nearby resident has written in to say that the Transport Statement makes an error in paragraph 3.3.1, which says the existing access of Old Fosse Way only provides access to the farm and the nearby Dairy Unit, whilst he states that the Old Fosseway access also provides access to properties at Fosseway Court. He goes on to say that paragraph 5.2.4 does not take into account the journeys made by the Fosseway Court residents. However, the Statement is referring directly to the site access off Old Fosse Way, rather than Old Fosse Way as a whole, and as such, it is considered that the Statement is not incorrect.

Following a site visit, the Highway Authority considers that the number of projected vehicular movements to the site, together with the improvements proposed to the access of the Old Fosseway is acceptable, and has therefore raised no objection to the proposal, subject to several conditions (see end of report).

### **Residential Amenity**

It is considered that the proposed development is sufficiently distant from neighbouring residential properties so as not to impact negatively on their residential amenity. With regard to the residential amenity of the proposed properties themselves, it is considered that they are arranged in such a way so as not to unacceptably overlook/be overbearing upon each other. Each has its own private garden area and car parking spaces/car port, and a communal bike and bin store is located at the northern end of the site.

### **CONCLUSION**

Having regard to the above, it is considered that the proposed development is acceptable in principle and in relation to: the character and setting of the listed buildings; the landscape character; bats and birds; highway safety and parking; residential amenity; flood risk and noise pollution.

### **RECOMMENDATION**

That application 14/00925/FUL be approved subject to the following conditions:

01. It is considered that the proposed development is acceptable in principle and in relation to: the character and setting of the listed buildings; the landscape character; bats and birds; highway safety and parking; residential amenity; flood risk and noise pollution. As such, it is in accordance with saved policies ST3, ST5, ST6, EC3, EC8, EH3, EH5, EH7, ME7, CR3 of the South Somerset Local Plan (adopted 2006) and the National Planning Policy Framework 2012.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

3312/SP06, date-stamped 03/03/2014;  
3312/ABE01, date-stamped 03/03/2014;  
3312/BAE01, date-stamped 03/03/2014;  
3312/BBE01, date-stamped 03/03/2014;  
3312/BCE01, date-stamped 03/03/2014;  
3312/BDE01, date-stamped 03/03/2014;  
3312/BEE01 A, date-stamped 13/05/2014;  
3312/BFE01, date-stamped 03/03/2014;  
3312/PO1 A, date-stamped 13/05/2014;  
3312/PO2 A, date-stamped 13/05/2014;  
3312/PO3, date-stamped 03/03/2014;  
3312/PO4 A, date-stamped 13/05/2014;  
3312/PO5 A, date-stamped 13/05/2014;  
3312/PO6, date-stamped 03/03/2014;

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

02. 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.

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard



and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. It shall also include details of surfacing and boundary treatments.

Reason: In the interests of the setting of the listed buildings, in accordance with saved policy EH5 of the South Somerset Local Plan (adopted 2006).

04. Before first occupation of any of the dwellings hereby approved, the proposed development shall be served by a new access constructed in accordance with the submitted plans.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

05. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

06. The areas allocated for parking and turning on the submitted plans shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

07. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

08. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the improved access road junction onto Old Fosse Way and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and no part of the site be occupied until the works have been fully completed to the satisfaction of the LPA.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

09. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

10. No works shall commence on site unless a scheme of works for acoustic insulation is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall refer to the measures recommended within the submitted O'Neill report. The scheme shall be implemented in strict accordance with the approved details, prior to the occupation of the dwellings hereby approved, and shall remain as such in perpetuity.

Reason: In the interests of residential amenity, in accordance with saved policies EP1 and ST5 of the South Somerset Local Plan (adopted 2006).

11. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 30 October 2013 by Awcock Ward Partnership and the following mitigation measures detailed within the FRA:

Finished floor levels should be set above the 1 in 100 year flood level or 300 mm above surrounding ground levels as indicated within the FRA.

Flood resilient measures should be incorporated as detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

12. No works shall commence on site unless there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement, prepared by a suitably qualified and Natural England licenced bat consultant, and full details of mitigation and compensation roosting/nesting provision for barn owls and swallows. The works shall be implemented in accordance with the approved details, 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 legally protected species of recognised nature conservation importance 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.

**Informatives:**

01. The applicant is advised of the following recommendations/informatives of the Environment Agency:

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provides multiple benefits, reducing costs and maintenance needs.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend the applicant contacts the Environment Agency on 0845 988 1188 to sign up for our free Floodline Warnings Direct service.

We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

02. 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. However, the information required for the Natural England licence application may also be suitable for submission to the Council when applying for discharge of the relevant condition.