

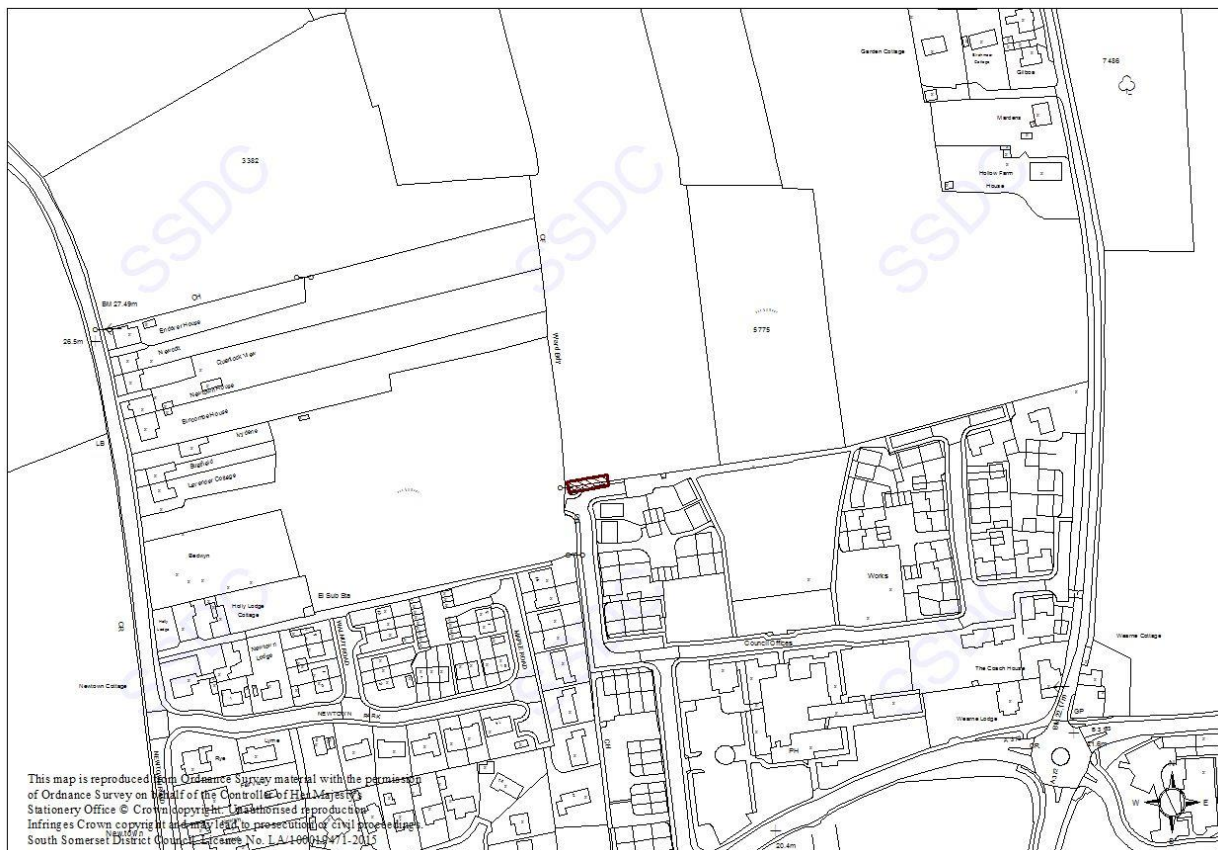
Officer Report On Planning Application: 14/05235/LBC

Proposal :	Demolition of western end of wall (GR 342508/127683)
Site Address:	Old Kelways, Somerton Road, Langport.
Parish:	Huish Episcopi
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	16th January 2015
Applicant :	Spinney Developments Ltd
Agent: (no agent if blank)	Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member, to enable a full discussion of the concerns of the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL



The site is located at the northern side of the Village of Huish Episcopi, immediately north of the Old Kelways site. The site is bounded to the north and west largely by open fields; to the

north-east are gardens of dwellings fronting onto Wearne Lane, which forms the remainder of the east boundary. To the south is the stone wall defining the previous boundary of the gardens associated with the Old Kelways seed business. Although not listed in its own right, this wall is listed by association with the principal listed building, Old Kelways. The land immediately south of the wall is now developed (housing), accessed off the B3153 (Somerton Road) via Peony Road, the main access to the Kelways buildings and the new housing developments. The site is within the identified 'direction of growth' for the Local Market Town 'Langport/Huish Episcopi'.

A planning application is under consideration for the residential development (71 houses) of this 3.42 Ha site (14/05234/OUT). The permission would require the removal of a section of the boundary wall at its western end to facilitate the creation of vehicular and pedestrian access. Listed building consent is sought for this work.

HISTORY

14/05234/OUT - Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall - decision pending

14/05235/LBC - Demolition of western end of wall - pending consideration

14/01747/LBC - The demolition of sections of existing perimeter wall and alterations - withdrawn

14/01746/OUT - Residential development of land for up to 71 dwellings, provision of roads and associated open space, demolition and alterations to wall - withdrawn

12/02197/EIASS - Proposed residential development of land - EIA not required

POLICY

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

South Somerset Local Plan (Adopted March 2015)

EQ2 - General Development

EQ3 - Historic Environment

CONSULTATIONS

SSDC Conservation Officer: No objection is raised to the demolition of this end portion of the wall, subject only to its being justified and necessary for the implementation of the planning proposal for 71 houses (parallel application 14/05234/OUT)

You have asked me to comment more fully on these applications in the light of the Parish Councils comments.

You will recall that I wrote lengthy comments on the previous applications which were withdrawn.

You will be aware that the wall is not listed in its own right: (Old) Kelways is. However, section 1(5) of the act states that

In this Act "listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building.

This wall would fall under part (b) and therefore is protected.

This application is different in that it now omits the new opening in the wall, and seeks to remove part of the wall at the west end.

The policy situation is unchanged from that previously considered, except that the local plan policy is now adopted. The statutory position is unchanged, but has been clarified by case law. The Court of Appeal has made it absolutely clear that the statutory duties in relation to section 66 (the setting of a listed building) does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

You be aware that section 16 relates to works to the building itself, where there is a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16)

This application contains a revised heritage statement: I have no reason to disagree with the facts that the statement makes in relation to the wall.

My issue with the previous application was that there was insufficient justification to do works to the wall as the application contained little evidence that other options for access were not possible. This application has addressed those criticisms, and withdrawn the most harmful element to the significance of the wall, which was the new opening. Given that it is the end of the wall and that we have negotiated the amount of wall to be demolished to the minimum (a few metres) I do not consider that there is sufficient harm to the significance of the wall to

sustain a reason for refusal, especially in the policy context of an adopted direction of growth.

In considering the setting of the wall. The wall was a boundary wall between the more formal horticultural setting of Kelways and the land beyond which was also used for horticulture. Glasshouses were on the south side, now gone. Whilst the application is in outline, there is a detailed layout plan. This plan shows the wall largely being left to stand in isolation with undeveloped land next to it. The wall will be able to be appreciated almost along its full length unimpeded by building or boundaries. This demonstrates to me that the site can be developed in such a way as to be non-harmful to its setting, perpetuating this open feel.

We do not have a condition survey of the wall, but I understand that this could be a condition of any consent. I understand that the wall would be passed into the ownership of a management company, along with the other communal areas.

I would say that listed building consent is only justified on the basis that planning permission is granted for the housing. If the housing is refused, then I would be of the view that the listed building application should be refused.

Therefore, subject to consent being granted for the housing and conditions/agreement that relate to

- These works cannot be commenced unless in tandem with the development of the housing*
- That no works commence until a condition survey of the wall has been undertaken, and that any required works are completed within an agreed timescale of commencement of works on site*
- That the wall is placed into the ownership of a management company, responsible for the long term preservation and maintenance of the wall*
- That the ground levels near to the wall are not altered.*

I would not have any objections to the proposal as amended.

Parish Council: *Huish Episcopi Parish Council considered this Listed Building Consent application at its meeting on 8 December 2014. The Council definitely considers that this application to demolish any part of a Grade 2 listed wall, of historic importance in the Huish Episcopi/Langport area, should be refused. This application is linked to the housing development proposed to the North of Old Kelways.*

The Local Plan LMT2 Direction of Growth M131 clearly states that "all development must avoid coalescence with the settlement of Wearne" - it is impossible for this application, in conjunction with 14/01746/OUT, to avoid effecting a merger with Wearne, since the Eastern fields back onto dwellings in Lower Wearne and, to the North, adjoin fields attached to dwellings in Wearne itself.

Huish Episcopi Parish Council believes that there is no clear and convincing justification to alter this Grade 2 listed wall and therefore fully expects that the Conservation Officer will oppose this application robustly. The Council therefore has no hesitation in recommending refusal of this Listed Building application and advising that any decision should be referred to the Area North Committee.

Should the District Council be minded to support this application, Huish Episcopi Parish Council proposes that ownership of wall, with full responsibilities for its maintenance, be clearly established beforehand as it seems likely that very little of the wall will be part of individual curtilages.

REPRESENTATIONS

25 letters of objection have been received, raising the following main points:

- various issues more appropriately related to the consideration of the planning application for the development: traffic issues; highway safety concerns; infrastructure; employment; ecology; flood risk and drainage; archaeology of the site;
- the wall is of local historical importance;
- breaching the wall would harm the historical character of the Old Kelways site and the former nursery
- it would harm the setting of the listed building, including the wall
- the wall is a listed structure and should be retained in its entirety because of its historical importance, and policies set out in, particularly, the NPPF
- the possibility of finishing the stonework to match existing after demolition is questioned;
- the wall marks a clear boundary between the site and open land to the north; and between Wearne and Huish Episcopi;
- damage to the listed structure is not justified.

CONSIDERATIONS

Works to listed buildings are required to respect their special architectural and historical character and appearance. Works to listed buildings are required to be justified, and to demonstrate that any impact on them is acceptable and necessary.

The proposal seeks to reduce the length of this approx 230m wall at its western end by approx 3% (6.87m). The Conservation Officer has considered the impact of the proposal against current legislation and government guidance (see comments above). He concludes, taking into account the detailed heritage statement produced by the applicant, that the removal of a small portion of the wall would not result in a degree of harm that would warrant the refusal of listed building consent, provided the works are justified in the interests of an approved development.

The proposal to erect 71 dwellinghouses on the site immediately to the north of the wall is considered in a separate, parallel application (14/05234/FUL). Should this application be approved, then it is considered appropriate, subject to the necessary conditions, to grant listed building consent for the proposed works.

Parish Council Concerns

The issues raised have been carefully considered and referred specifically to the Conservation Officer for consideration. They have largely been dealt with above.

The issue of coalescence with Wearne is not a matter related to the listed building consent application, but has been dealt with in the parallel planning application.

The issue of ownership and future maintenance of the wall is noted, and is proposed to be addressed by condition.

Concerns Raised by Local Residents

The concerns raised have been considered and are largely dealt with above. Many of the

issues raised relate to the planning application, and have been dealt with in consideration of that application. The issue of the function of the wall in providing a boundary is noted, but it is not considered that this will change with the minor alteration (affecting about 3% of the wall) proposed.

Conclusion

Should planning permission be granted for the development of housing on the adjacent site to the north, the proposal to remove 6.87m at the western end of this wall is considered justified. The impact on the overall presence of the wall, and the function it fulfils historically in relation to the principal listed building, is not considered to be unacceptably harmed, subject to appropriate making good of the fabric. The proposal is recommended for approval, subject to conditions.

RECOMMENDATION

Grant consent

01. The proposal, by reason of its scale and design, respects the character and appearance of the listed building, in accordance with the aims and objectives of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. L001 Rev B; D001 Rev F; SK03 Rev A; and L1000 Rev F.

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

03. No works hereby permitted shall be commenced unless a schedule setting out the timing of commencement and completion of the works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall take into account timing of commencement of development of the site immediately to the north of the wall, and the works shall be carried out in accordance with the agreed details.

Reason: In the interests of securing appropriate timing of the works in conjunction with the development for which is it required, in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

04. No works hereby permitted shall be commenced unless a survey of the condition of the wall has been undertaken, and any necessary remedial works have been identified. The survey, together with a schedule of remedial works and proposed timing of the works shall be submitted to the Local Planning Authority for approval. The remedial works, once approved, shall thereafter be implemented in accordance with the agreed timing.

Reason: To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

05. No works hereby permitted until details of new stonework and making good of the end of the wall have been submitted to and approved in writing by the Local Planning Authority. The details shall be supported by a sample panel of stonework to be made available on site.

Reason: To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

06. No works hereby permitted shall be commenced unless details of provision for ongoing ownership and maintenance of the wall have been submitted to and approved in writing by the Local Planning Authority. The details, once approved, shall be permanently retained and maintained.

To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

Informatives:

01. The applicant's attention is drawn to the concern expressed by the Conservation Officer that the ground level immediately adjacent to the wall should not be altered in any way without permission, in the interests of safeguarding the character of the wall. A condition reflecting this concern is included in the parallel planning permission.
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