

Area North Committee – 24 July 2013

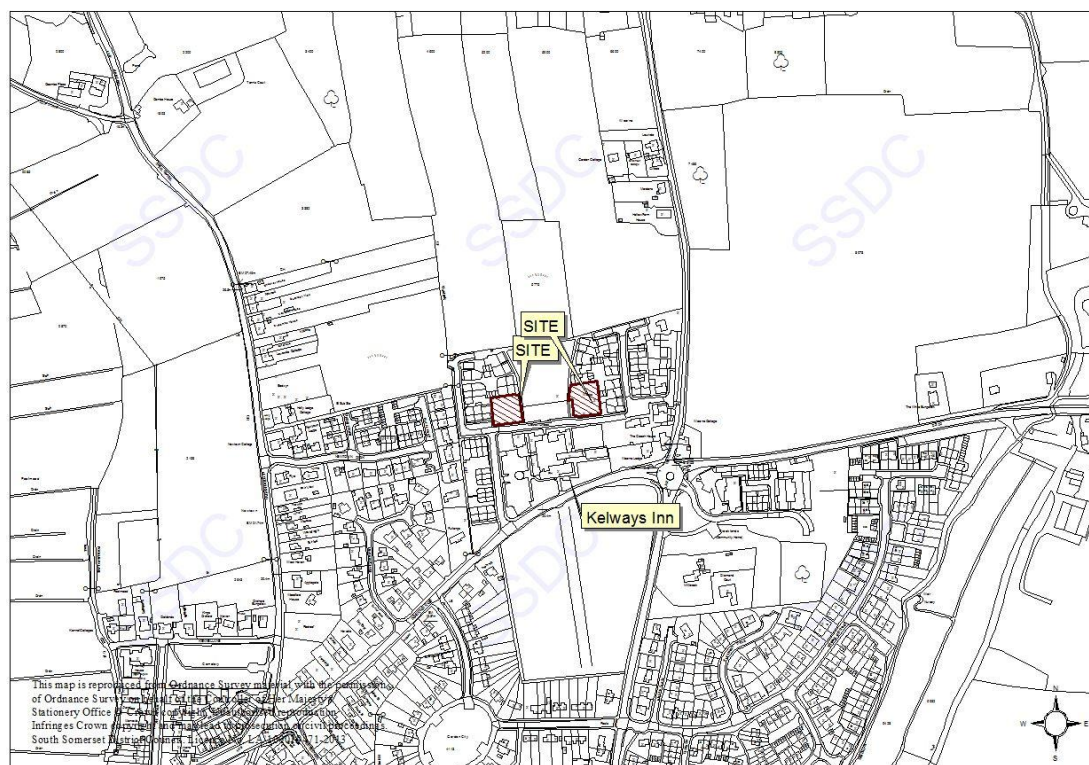
Officer Report On Planning Application: 13/01232/FUL

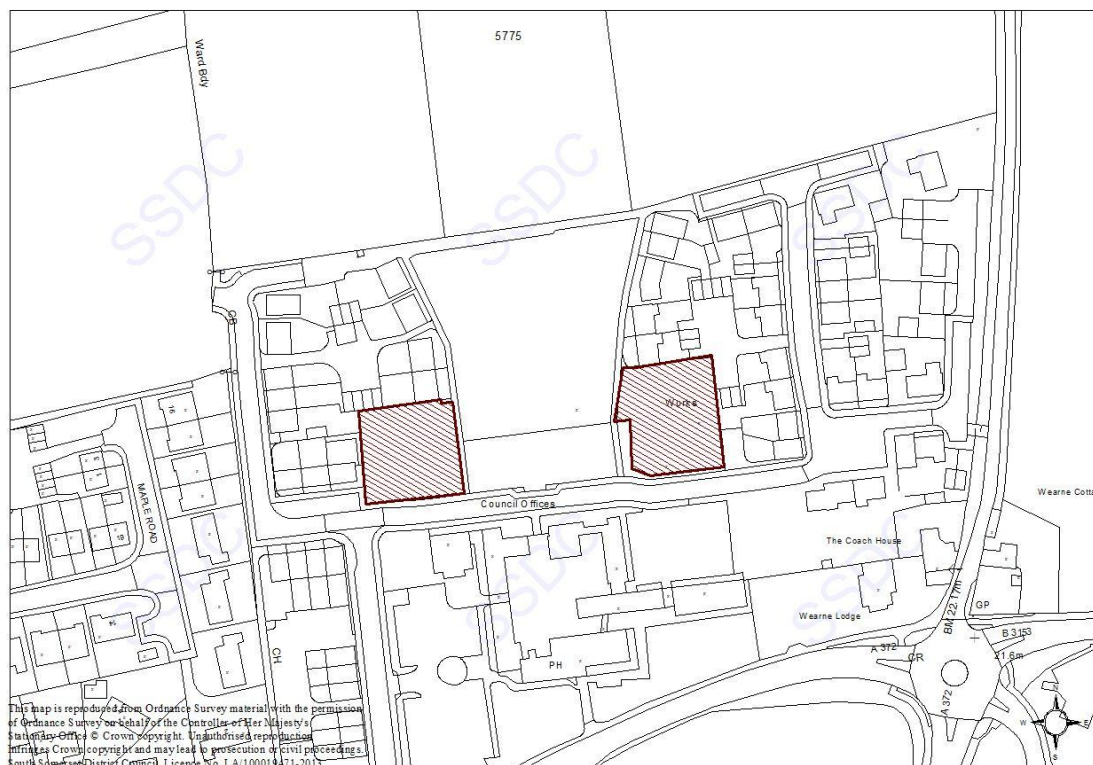
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| Proposal : | Erection of 9 dwellings (Plots 53-61) in lieu of approved Employment Units B and C (Revised Scheme) (GR:342562/127643) |
| Site Address: | Land At Old Kelways, Somerton Road, Langport |
| Parish: | Huish Episcopi |
| TURN HILL Ward (SSDC Member) | Cllr Shane Pledger |
| Recommending Case Officer: | Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk |
| Target date : | 28th May 2013 |
| Applicant : | Mr D Lohfink |
| Agent: (no agent if blank) | Mr Robin Upton, WYG Planning & Environment Hawkridge House, Chelston Business Park, Wellington TA21 8YA |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the ward member (who is the Chairman) with the agreement of the Vice Chair to enable the comments of the parish council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





This 0.19 hectare sites forms part of a wider 3.6 hectare site approximately 1 kilometre to the east of the centre of Langport, on the A372. This comprises the walled curtilage of Kelways, a Grade II Listed Building and former plant nursery, which used to provide the Council's Area North offices (now vacant) as well as an adjacent public house with hotel and other independent office/retail facilities. The whole site is outside the settlement boundary.

There are residential properties to the west, separated by a well-established hedge, comprising a two storey house fronting on to Somerton Road and the rear gardens of bungalows fronting Maple Road. The northern section of that boundary adjoins land allocated for residential development in the Local Plan (HG/HUEP/2), which is currently subject to an application (11/03541/FUL) by the same applicant.

The northern boundary comprised a high stone wall with tile capping, beyond which is farmland. Attached to the wall is a listed water tower. The eastern boundary is also marked by a high stone wall with an opening to the north - east corner. The southern boundary is open, facing onto the existing buildings at Old Kelways.

There is an approval (09/02917/FUL), now substantially implemented, for a mixed used development of:-

- 52 storey dwellings
- 996m² of B1 office space to the rear of the existing building group (E2 and E3);
- 202m² of retail space to east of existing shop (E1);
- additional hotel space (10 rooms) to rear of existing accommodation;
- associated parking
- access improvements to A372, including widening of entrance and provision of turn right lane;
- cycle/pedestrian access to Wearne Lane

- central area of public open space (POS), including a LEAP, to rear of council offices

The employment element was included at the request of Area North Committee.

An associated section 106 agreement delivers:-

- affordable housing
- contributions to the provision of open space, landscaping and play areas
- contributions towards off-site highway works, including the provision of a right-turn lane into the site on the A372, contributions towards "Safe Routes to School" and towards junction improvements at the A372/B3153 junction
- contributions towards improvements to Huish Episcopi secondary school

This application seeks to substitute 9 two-storey dwellings for two of the previously approved employment areas (E2 and E3). These would be located either side of the central area of POS and comprise on the eastern side:-

- 2 pairs of semi-detached dwellings (3 bedrooms)
- A 3-bedroom house.
- A single storey car port
- 10 parking spaces

and on the western side:-

- A pair of semi-detached dwellings (2 bedrooms)
- A 3-bedroom house.
- A 2-bedroom house
- 7 parking spaces

The proposal is supported by a Design and Access Statement and a marketing report. Heads of terms are provided for a S106 agreement to cover affordable housing, travel plan measures and sports, arts and leisure contributions.

HISTORY

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|--------------|---|
| 11/03832/FUL | Planning permission refused for the erection of 9 dwellings (Plots 53-61) in lieu of approved Employment Units B and C on the grounds that: <i>It has not been satisfactorily demonstrated that there is no demand for the approved employment units or that their loss would have no detrimental impact on employment opportunities in the area. In the absence of such justification the loss of this employment opportunity would be detrimental to the economic sustainability of the locality contrary to saved policies ME6 and ME7 of the South Somerset local plan and the advice of PPS4.</i> |
| 10/03641/S73 | Application approved to vary conditions 14 (timing of delivery of play area) and 18 (timing of works to water tower) of 09/02917/FUL. |
| 09/02935/LBC | Consent granted for alterations to water tower and boundary wall. |

09/02917/FUL Erection of 52 dwellings, B1 office space and extension to hotel (alternative scheme). Approved 27/08/10, now implemented.

07/03534/FUL Erection of 52 dwellings, B1 office space and extension to hotel. Approved 18/09/08

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.

ST1 - Rural Centres
 ST3 - Development Areas
 ST5 - The Quality of Development
 ST6 - Landscape and Architectural Design
 ST10 - Planning obligations
 HG1 - Provision for New Housing Development
 HG6 - Affordable Housing Target
 HG7 - Site Targets and Thresholds
 EH5 – Development Affecting the Setting of Listed Buildings
 EH12 – Archaeology
 EC3 - Landscape Character
 CR2 - On site Outdoor Play and Amenity Space
 CR3 - Off site provision of Outdoor Play and Amenity Space
 TP1 - Pedestrian Provision
 TP4 - Road Design
 TP7 - Car Parking
 ME6 - Retention of Employment Land
 ME7 - Retention of Employment Land in the countryside
 Policy EU4 - Drainage
 EP5 – Contaminated Land

Policy-related Material Considerations

Employment Land Review 2009 -2010:-

“It is arguable that the Langport/Huish area is similar in respect to Somerton, with an active local business community and a range of employment premises. However, it is on the “cusp” in terms of size, as demonstrated by the presence of a Tesco foodstore on the outskirts of the town centre. From our perspective there appears to be limited substantial commercial demand for new employment land. However, accepting the intermediate size of the area and its strategic significance within the north west of the District, it may still be appropriate to allocate some additional land within the area for future employment purposes. To this end, we consider that a nominal allocation, providing a rolling supply in the order of 0.125 to 0.25 hectare at any point should suffice to meet this need.”

National Planning Policy Framework

CONSULTATIONS

Huish Episcopi Parish Council – *“remains concerned that these business units, which were an original condition of building on this land, are to be replaced with further domestic dwellings when so many have been built or agreed already in the parish without any provision for small businesses. The Council therefore must continue to recommend refusal.*

However no single storey dwellings appropriate for elderly and/or disabled parishioners have been built in any of these major developments so, if SSDC is minded to grant permission, the Council would be prepared to compromise if the buildings were instead to be chalet style bungalows.”

County Highway Authority – no objection subject to safeguarding conditions.

County Education Authority – Requests a contribution of £18,469 towards primary school places.

Wessex Water – not objection subject to agreement of surface water drainage, which should not enter the foul system.

Housing Officer – requests 3 affordable homes, of which 2 should be for ‘social’ rent, one for other, intermediate options.

Economic Development Manager – No objection, noting that SSDCs Development Valuer also confirmed that the viability appraisal supplied by Chesterton Humberts for commercial development on the site accurately and sufficiently demonstrates the unviable nature of commercial development in the current market.

Area Development Manager – *“I can confirm that following the refusal of a similar application, the applicant took steps to meet the requirements of SSDC policy applying to commercial / employment land & premises.*

The information submitted indicates a lack of local demand for the ‘off-plan’ units, with all our recommended improvements to their marketing strategy complied with. This includes a lengthy period of advertising at the site itself.

Information on viability can be assessed by the ED team, but their view last year was the price per sq/ft offered was reasonable, as was the viability analysis for the development itself.”

Community Health and Leisure Officer – requests a contribution of £3789.05 per dwelling towards mitigating the impact of the development on sports, arts and leisure facilities. This is based on the levels of contribution sought in relation to the applicant’s proposal for the development of the adjacent Newtown Park site.

Area Engineer – drainage details to be provided for approval.

Landscape Officer – no objection.

REPRESENTATIONS

One objection received from a new resident of the development:-

- Obstruction of view to green
- Increased traffic
- Loss of employment would be contrary to original consent

CONSIDERATIONS

The principle of the development of this site has been accepted. The design, layout and landscaping of the 9 proposed dwellings is considered acceptable and the scheme would not adversely affect the setting of the listed buildings or harm ecology. No objection has been received from technical officers with regard to drainage, land contamination, archaeology or highways safety and previously agreed access and drainage arrangements are considered suitable to meet the need of both the approved scheme and the additional residential units now sought.

Accordingly, notwithstanding the local residents' concerns the proposal complies with policies ST1, ST3, ST5, ST6, HG1, EH5, EH12, EC3, TP1, TP4, EU4 and EP5.

The key issues therefore are the loss of employment land, the implications for residential amenity due to the introduction of 2-storey dwellings on this part of the site and planning obligations.

Loss of Employment Land

Historically this site has generated local employment opportunities. When its redevelopment was proposed it was considered important to retain an element of employment land as required by policies ME6 and ME7. This proposal to now lose these two employment sites (E2 and E3), retaining just the small E1 site (adjacent to the café) is considered to, potentially, constitute the substantial loss of the employment potential of this site for a satisfactory justification must be provided as required by policies ME6 and ME7.

Since the previous refusal the applicant has updated the marketing of these sites, which they contend now clearly demonstrates that there is no reasonable chance of developing this site for employment purposes. This revised information is now accepted by the Council's economic and area development officers who consider that the promotion of this site and the justification for its residential development to be reasonable.

Accordingly the proposal now complies with policies ME6 and ME7.

Residential Amenity

The layout and orientation of the proposed dwellings would closely follow that of the approved commercial buildings. These included predominantly two storey structures in a very similar position relative to the surrounding dwellings. Accordingly it is considered that the physical relationship, in terms of light provision, outlook and dominance, is acceptable and the introduction of residential use is not considered problematic.

Whilst a neighbour is concerned about a possible loss of outlook it is not considered that the impact of the proposed buildings would justify withholding permission. On this basis it

is not considered that the proposal would be detrimental to residential amenity and would comply with policy ST6.

Planning Obligations

This site is clearly part of the development of a wider site and policy ST10 advises against piecemeal development to circumvent reasonable planning obligations. Accordingly, whilst the threshold for affordable housing is not technically reached it has been considered reasonable to seek 35% affordable housing as expected by policy HG7 and to request sports, art and leisure obligations as justified by policies CR2 and CR3.

The applicant is willing to provide for the requested obligations. This is considered reasonable and would comply with policies ST10, HG7, CR2 and CR3.

Conclusion

The applicant is willing to make provision for the necessary planning obligations and, in respect of design, amenity, landscaping, highways, relationship with listed buildings and impact on ecology and drainage, the proposal raises no issues that could not be addressed by condition. In light of the additional, updated supporting information now provided it is accepted that reasonable efforts have been made to continue a substantial employment opportunity on this site and it is now justifiable to agree to the residential development of this site.

RECOMMENDATION

That, conditional permission should be granted subject to:-

- a) the prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to ensure:-
 - that a contribution of £3,789.05 per dwelling is secured to mitigate the impact of the increased local population created by this development on sports arts and leisure facilities locally and in the District as requested by the Assistant Director (Well Being)
 - the provision of 3 affordable houses to the satisfaction of the strategic housing manager
 - a contribution of £18,469 towards the provision of primary school education
 - Travel Planning Measures
 - A monitoring fee of £500

and

- b) the following conditions

Justification

It has been satisfactorily demonstrated that there is no demand for the approved employment units and that their loss would have no detriment impact on employment opportunities in the area. Adequate provision has been made for the necessary planning obligations to mitigate the impact of the development on the locality and, in terms of design, amenity, landscaping, highways, relationship with listed buildings and impact on ecology and drainage, the proposal raises no issues that could not be addressed by

condition. As such the proposal complies with the saved policies of the South Somerset local plan and the policies contained with 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 shall carried out in accordance with the following plans OS-001; PL-201; P-100; P-101; P-102; P-103; P0104; P-105; P-106; P-107; P-108; P-109; P-110; P-111; P-112; P-113; P-114 and P-115.

Reason: To define the development hereby approved.

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.

On 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 ST5 and ST6 of the South Somerset Local Plan.

04. The areas allocated for parking and turning as shown on the submitted plan 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:- To ensure that adequate parking is provided to meet the needs of future occupiers, in the interests if residential amenity in accordance with save policies ST6 and TP7 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason:- To ensure that adequate parking is provided to meet the needs of future occupiers, in the interests if residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan and the Somerset Parking Strategy.

06. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the

nearside carriageway edge over the entire site frontage. Such visibility 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 pedestrian and highways safety in accordance with saved policies ST5, TP1 and TP4 of the South Somerset Local Plan.

07. No development hereby approved shall be carried out until details of a sustainable surface water drainage system, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques and interceptors to prevent pollutants from the parking area entering the surface water drainage system and shall make provision within the site for the disposal of surface water so as to prevent its discharge onto the highway. Once approved such details shall be fully implemented prior to the occupation of the medical centre 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.
