

Area North Committee – 29 January 2014

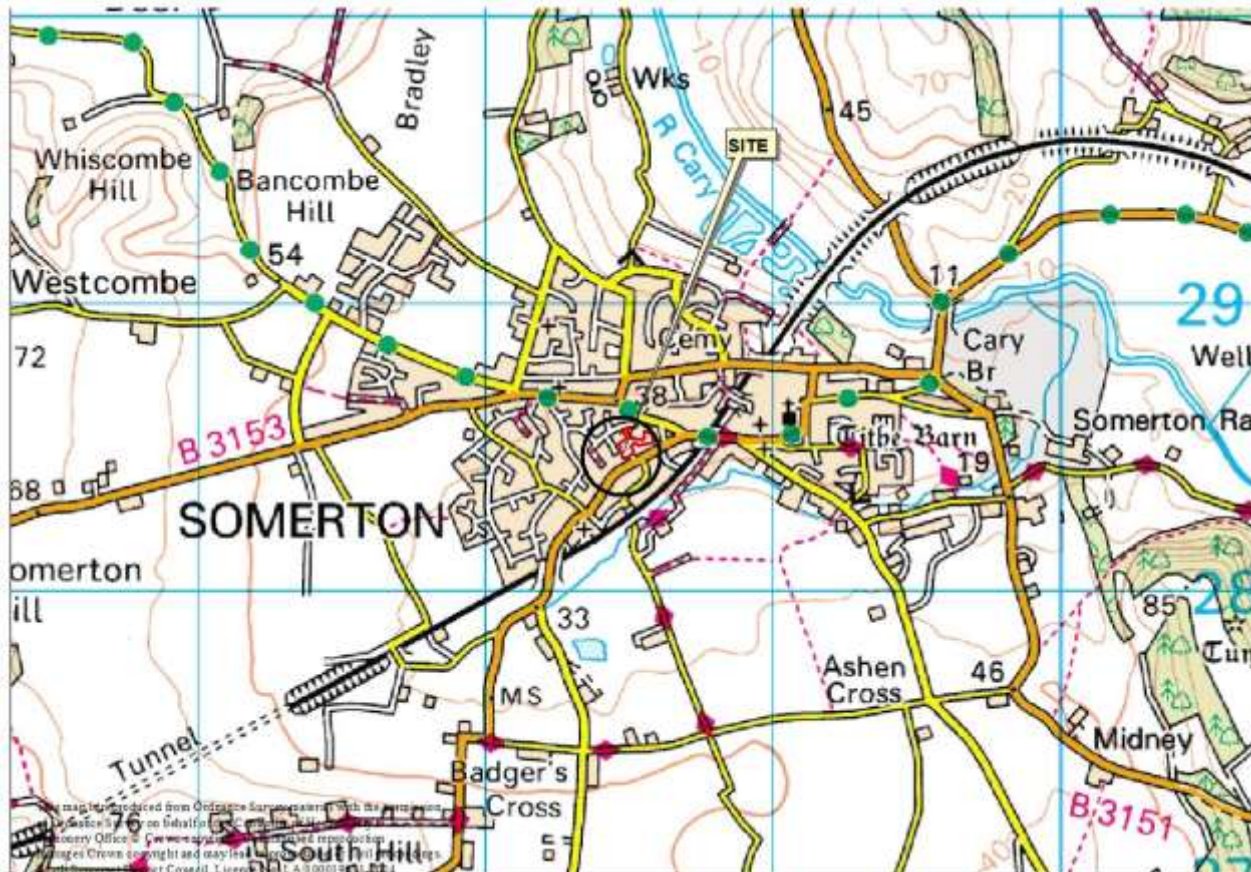
Officer Report On Planning Application: 12/01501/OUT

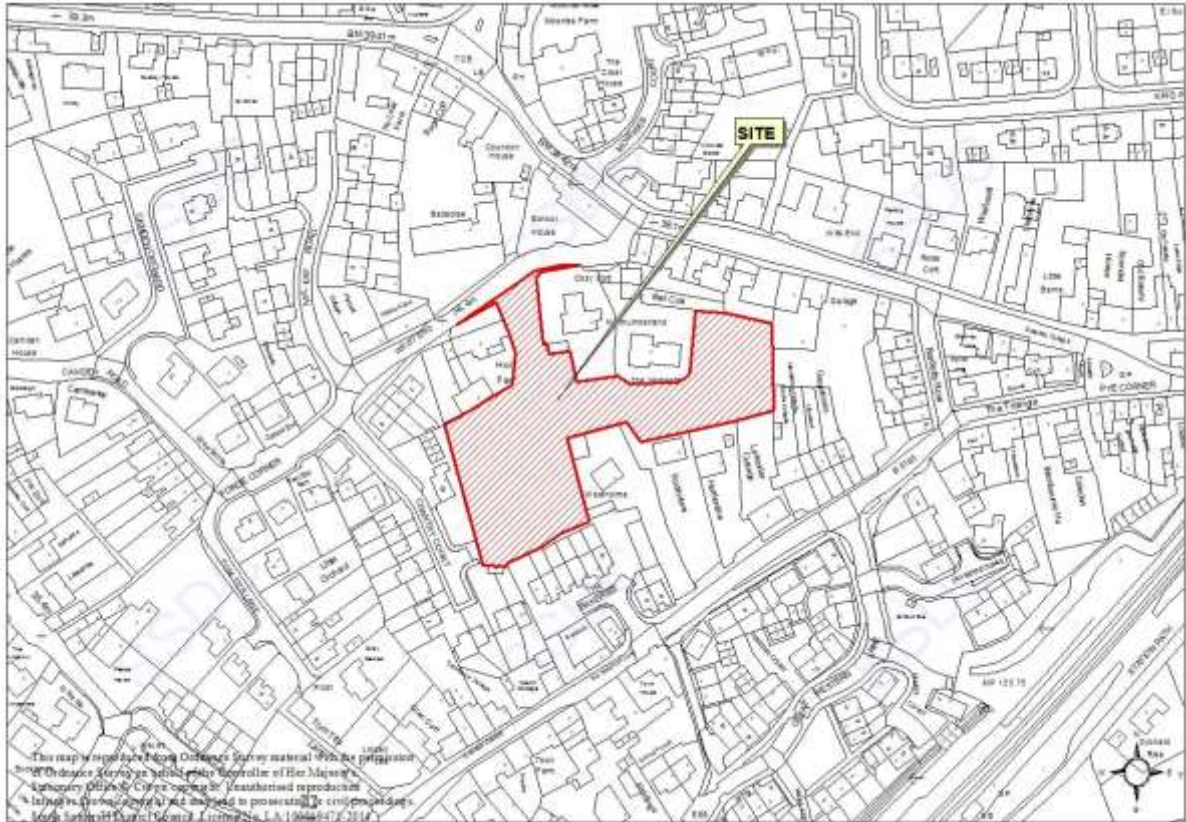
Proposal :	Residential development and construction of new access road (GR 348477/128539)
Site Address:	Home Farm, West End, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: (01935) 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	11th July 2012
Applicant :	H & S Developments Ltd
Agent: (no agent if blank)	Mr Barry Buckley, Castellum, Tinneys Lane Sherborne DT9 3DY
Application Type :	Minor Dwellings 1-9 site less than 0.5ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Members, with the agreement of the Chairman to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is within development limits to the west of the town centre, surrounded by residential development – a mix of single and two storey properties. It comprises the former agricultural yard to Home Farm which has been cleared of the more recent structures, retaining one that supports the high stone wall that forms the western boundary. Home Farm is grade II listed building that is in a perilous state and is on the council’s Heritage at Risk Register, however it is in separate ownership.

The proposal originally sought outline planning permission for residential development comprising 14 dwellings with the detail of the new access to be considered at this stage and all other matters (Appearance, Landscaping, Layout and Scale) to be considered at Reserved Matters stage. An indicative layout was provided along with detailed plans of the access.

Following concerns about the potential impact on existing properties, the relationship with the listed Home Farm and the safety of the access the application has been amended to omit an area of land immediately to the rear of Home Farm and agreed to drop the reference to 14 houses (03/01/13) and revise the access details (05/04/13). The application is now simple for outline permission for residential development with access to be considered now. The layout and number of houses would be agreed at the reserved matter stage.

Heads of terms of a S.106 agreement have been agreed to cover:-

- Sports arts and leisure contributions
- The transfer of the area to the rear of Home farm to the District Council to be either maintained as open space or reunited with Home farm should an appropriate scheme to renovate this listed building come forward.

PLANNING HISTORY

- 27/09/2000 Area North Committee resolved to serve a discontinuance order in relation to “agricultural/industrial/business use of the land to the rear of Home farm, Somerton”. This was subsequently made on 19/01/01 and confirmed by the Secretary of State on 09/01/02..
- 25/10/2000 Outline planning permission granted for residential development of site covered by discontinuance order (25/10/2000). Not implemented.
- 12/01504/FUL Proposal for 4 houses on part of the site withdrawn as this is covered by this application.
- 13/001466/LBC Associated application for reduction in boundary wall to Home Farm to facilitate access proposed by this application.

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.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan.

Save policies of the South Somerset Local Plan:

Policy ST1 – Rural Centres

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

ST10 – Planning Obligations

Policy EH3 – Listed Buildings

Policy EH5 - Setting of Listed Buildings

Policy EH12 - Area of High Archaeological Potential

EC8 – Ecology

EU4 – Drainage

EP5 – Contaminated Land

EP6 – Construction Sites

CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development

CR3 – Off Site Provision

CR4 – Amenity Open Space

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment.

CONSULTATIONS

Somerton Town Council – initially raised concerns about the density, proximity to existing dwellings' relationship with the listed building, visibility at the access, lack of footpath across the West End frontage, ownership issues and inaccuracies in the drawings. It was suggested the application be withdrawn pending resolution of these issues.

Subsequently maintained a concern that the level of information is insufficient and a full application should be provided. Questions raised over piecemeal development and the protection of then listed building and the control over the land being left for future use of Home Farm (SSDC should take control).

Finally in relation to the consultations on the revised access, and following the Town Council's involvement in discussions about securing land to be reunited with Home Farm, support is offered for the application.

County Highway Authority – initially raised no objections subject to conditions to agree the details of estate roads, construction of footpaths and turning spaces and drainage. Later raised a concern over a blind spot to the right of the access, however the previous position is maintained and no objection is raised subject to conditions.

Environmental Protection Unit – No observations.

Area Engineer – Disposal of surface water via soak a ways will not probably be suitable for disposal of surface water from the highway. The proposed foul sewerage connection to the existing public sewer should investigate the possibility of connecting surface water from the proposed highway to the existing highway. Drainage system in Chantry Court: some surface water attenuation measures will be required for this option and drainage details will need to be submitted for approval.

Conservation Officer – initially concerned about a 'suburban' layout, the setting of the listed building and the lack of curtilage for Home Farm, without which its future viability is questioned.

In relation to the revised scheme observes:-

“The principle of residential development on the land adjacent to Home Farm house is supported as the only reasonably achievable approach to its use. Although in the curtilage of the listed farm house, the site contains a collection of sub-standard modern structures and buildings, the majority of no historic interest and which harm the overall setting of the listed building. Regeneration through redevelopment is accepted as the appropriate solution. This solution must provide for an adequate curtilage for the listed building however and I support the proposed allocation of land to be set aside for this purpose. This is essential and any form of development that does not allow for this will be unacceptable.”

“The access position off West End is the only available and I therefore raise no objection but will expect its impact upon the setting of the listed buildings and historic street to be mitigated with appropriate landscape, containing walling etc to details to be agreed.”

“The layout concept of the estate road is for information only and no support over and above the issues mentioned is given to this. The design of the layout, buildings and landscape remain to be determined through a reserved matters application.”

Archaeology – not objections subject to a condition to require the monitoring of the development and a report on any discoveries made.

Ecologist – No objection subject to conditions requiring a bat and reptile surveys.

Wessex Water – no objection, however general comments are made regarding the provision of drainage and water supply.

Climate Change Officer – general comments with reference to the Code of Sustainable Homes requirements.

Community, Health and Leisure – originally requested £4,946.07 per dwelling (£69,245.02 based on 14 dwellings) towards mitigating the impact of increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved:

- £33,366 to be used for local facilities (in particular the existing equipped play area, youth facilities, playing pitches and changing room facilities at Somerton).
- £22,490 to be used for strategic facilities.
- £12,701 commuted sum.
- £685 as the Community, Health and Leisure Services administration fee.

Subsequently confirmed that if numbers are not to be stated the rate per dwelling should be £4,946.07.

REPRESENTATIONS

Original consultation responses (14):

- Back development and gross overdevelopment. The buildings are too close together and too close to adjacent properties.
- Density
- Effect of any development upon the character and appearance of the area
- Most of the site forms the curtilage of the listed building.
- The development will seriously impair the viability of any conservation/ restoration of the listed grade II Home Farm farmhouse.
- The principle of residential development on this particular parcel of land is established. It should not be necessary for this to be further tested by an outline planning permission.
- The proximity of both dwellings in this position would appear extremely oppressive and overbearing when seen from Southview (neighbouring property), with an unacceptable impact upon general levels of daylight, outlook and privacy.
- A wall should be constructed along backs of 1 to 6 The Bakeries.
- Additional traffic and highway safety.
- Conflict with Pedestrians at the junction of West End and West Street.
- No provision for vehicular access to Home Farm.
- Detached property very close to 4 The Bakeries.
- Loss of privacy, loss of light.
- Subsidence.
- Asbestos/ chemicals on site.
- Flooding at junction of West End, increase in storm water in this area.
- Sewerage back up
- Site level differences
- Supports the provision of green space amenity area

4 responses have been received following re-consultation for amended plans.

- The density (13) of dwellings is high.
- Blue outlined land should form part of the curtilage of listed building or left as recreational open space.
- The principle of residential development is accepted and therefore the effect on the character and appearance of the area is a matter to be considered now.
- Visibility splay includes part of my property (The Homestead) and I object to its inclusion.

CONSIDERATIONS

Principle

The site is within development limits, where the principle of new development is acceptable. This outline planning permission considers access and seeks to secure leisure contributions and the area outlined in blue to be reserved to be put back with the listed building or to be used as a public open space. Appearance, Landscaping, Layout and Scale are to be considered at the Reserved Matters stage. Whilst additional information, or a full planning application might be desirable this does not mean that this outline application is objectionable on the basis of the lack of additional detail.

It is considered that sufficient access detail has been provided to assess its impact on highways safety and that with the provision a buffering land to the rear of Home Farm and the omission of reference to the number of dwellings there is sufficient information to enable this outline application to be properly assessed. Whilst local concerns about possible overlooking, layout and density of development, boundary treatment and loss of light are acknowledged it is considered that such issues can be fully assessed at the reserved matters stage when the layout, design, scale and landscaping are put forward.

Visual Amenity

Whilst local concerns are noted it is not considered that the development of this site would be intrinsically detrimental to the character or pattern of development of the locality. The application indicates 2-storey dwellings. This is not considered to be inappropriate and the design and layout of the houses could be adequately assessed at the reserved matters stage.

Relationship with Home Farm

The Conservation manager has noted the poor and deteriorating condition of Home Farm a grade 2 listed building which has been 'at risk' for some time. A number of years ago the Council served a discontinuance notice on the former farm yard to the rear of Home Farm. This required the cessation of the existing uses, namely a mixed use involving the storage of hay, a contract haulage business, and agricultural and general engineering business, the storage of scrap vehicles, including car and lorries bodies and broken agricultural machinery and the storage of a multitude of other material, including building materials. This has been complied with leaving a cleared area to the rear of the listed farm house.

The application originally indicated that houses would be built in close proximity to Home Farm and land that was formerly part of the Home Farm curtilage. It was considered that this would unacceptably compromise the setting of the listed building and it was agreed

to set aside land to safeguard the setting of the listed building. This also acknowledges that the future viability of Home farm relies partly on the provision of a suitable curtilage (to provide garden and parking areas), commensurate with its status as a family home. Currently the only amenity space available to occupiers of Home Farm is a narrow strip of land at the rear and the front garden.

It has therefore been agreed that the land immediately to the rear of Home farm should be kept free of development, firstly to safeguard the setting of the listed building, and secondly to be available to be reunited with Home Farm in the event that an appropriate scheme of renovation is agreed by the local planning authority. This would be conditional upon the implementation the approved scheme. Until such time the land would be held by the District Council and maintained as landscaped space for which a commuted sum would be provided. If this is not achieved its retention as open space would continue to conserve the setting of the listed building.

It is considered that this would ensure that the setting of the listed building would be safeguarded and that its future viability would not be endangered. On this basis it is considered that the amended proposed complies with policies EH3 and EH5

Access

The amended proposal provides for visibility splays on either side of the access from West End, within which the existing front boundary walls to the adjoin properties (Home Farm and Northumberland) will need to be demolished and rebuilt at the rear of the visibility splays. This is acceptable to the highways authority and the conservation officer has not objected to the works to the wall in front of home farm which is listed. These works are covered by the associated application for listed building consent to which there is no objection in principle.

Whilst the rebuilding of these walls affects third party land, the applicant has notified the affected parties and will have to secure the permission of the relevant parties to enable the permission to be implemented. Although concern about this has been raised locally it is not an uncommon situation and the onus would be on the developer to secure all necessary permissions/consents/agreements to implement any planning permission given by the local planning authority.

Other concerns have been raised about general highways and pedestrian safety, however the highways authority does not share these concerns and it is not considered that there is any justification to override their advice.

On this basis it is not considered that the objections to the access arrangements or on matters of highways safety could be sustained, and in this respect the proposal complies with policy ST5 of the local plan.

Residential Amenity

Local concerns are acknowledged, however the appearance and layout of the proposed dwellings are reserved and any loss of light or privacy could be assessed at the reserved matter stage when the position of the houses and their window arrangements are put forward. It is considered that the site is of sufficient size to ensure that these issues could be satisfactorily addressed with an appropriate layout and house design.

On this basis it is considered that an objection on the grounds of residential amenity could not be sustained at this stage and compliance with policy ST6 could be ensured at

the reserved matters stage.

Planning Obligations

It is accepted that the amended site area is less than 0.5 hectare and does not therefore trigger the need to deliver affordable housing (policy HG7). It is considered that this does not constitute the piecemeal development of the site that would be objectionable under the provisions of policy ST10. The land that has been taken out is not considered developable and it needs to remain undeveloped to safeguard the setting of the listed building (Home Farm).

On this basis it is not unreasonable to expect this development to set aside an appropriate parcel of land not just to safeguard the setting of a listed building, but also to be earmarked to be reunited with its original host building. Given the state of Home Farm it is not considered that it has a viable future unless there is a chance that some of its original curtilage can be reunited with the house.

The applicant is willing to enter into a Section 106 agreement whereby the land edged in blue on the amended plans is transferred to the District Council for a nominal sum. The District Council would undertake to maintain it as open space until such time as an appropriate renovation scheme has been agreed for Home Farm. The land would then be transferred to Home Farm, subject to suitable conditions.

The applicant accepts the obligations requested in relation to sports, arts and leisure facilities.

Other Issues

The modern agricultural buildings have been removed from the site since the application was first submitted, accordingly the requirement for a bat survey is no longer relevant, although a reptile survey suggested by the ecologist could be attached to any permission. Adequate drainage and levels could be conditioned and appeal decisions indicate that sewerage is no longer a planning matter being covered by other legislation and statutory undertakers.

Although the environmental protection officer has not identified an issue, it is considered prudent, given the previous nuisance uses at the site to recommend a condition to ensure that the potential for land contamination is investigated. This would comply with policy EP5. Additionally, given the predominantly residential location and construction management condition is recommended as required by policy EP6.

Finally a reserved matters application would deal with all other matters.

Conclusion

Notwithstanding local concerns this site is within the built-up part of Somerton and its residential re-development of this site within development limits would constitute an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing its future renovation. The proposed access arrangements would not be detrimental to highway safety and all other matters could reasonably be considered at reserved matter stage.

RECOMMENDATION

Grant Permission 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) Secure the agreed contribution of £4,946.07 per dwelling towards strategic and local outdoor playing space sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) secure, to the satisfaction of the Development Manager, the transfer of the land edged in blue on the approved plans to the local planning authority, making provision for:-
 - The land to be maintained as open space until such time as an scheme for the renovation of Home Farm is approved by the local planning authority
 - A suitable commuted sum to cover the maintenance cost
 - In the event of the approval of a scheme for the renovation of Home Farm the land shall be transferred to the ownership Home Farm subject to the satisfactory completion of the approved scheme
 - In the event that a scheme of renovation is not agreed within 10 years the land shall revert to the applicant's ownership
- b) The following conditions:

Justification

The residential development of this site within development limits, which includes the former curtilage of Home Farm, represents an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing the future renovation of this listed building at risk. The proposed access arrangements would not be detrimental to highways safety and all other matters could reasonable be considered at reserved matter stage. 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 either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

02. Application for approval of the appearance, landscaping, layout and scale of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with policies ST5, ST6 and EH5 of the South Somerset Local Plan.

04. The proposed estate roads, footways, footpaths, tactile paving, 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 the details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose details of the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

05. 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 and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

06. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the prevention of the discharge of surface water onto the highway along with details of how the scheme shall be maintained and managed after completion. The development shall be carried out and subsequently maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

07. No development hereby approved shall be commenced until details and specifications of the new access to West End, based on the revised site layout received 05/04/13 have been submitted to and approved in writing by the local planning authority. Once approved the new access arrangements shall be fully implemented prior to the occupation of any dwelling on the site and shall be maintained at all times thereafter.

Reason: In the interests of highway safety and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

08. No development hereby approved shall be commenced until details, including the provision of samples, of the rebuilt wall to the front of Home Farm have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented prior to the new access being first brought into use and shall be maintained at all times thereafter.

Reason: In the interests of highways safety and to safeguard the setting and special architectural and historic qualities of this listed building in accordance policies ST5, EH3 and EH5 of the South Somerset Local Plan

08. No development hereby approved shall be commenced until such time as the findings and recommendations of a reptile specific survey of the site have been submitted to and agreed in writing by the local planning authority. Once approved the development shall be carried out in accordance with the agreed mitigation measures. In the event that it is not possible to adhere to these measures all work shall cease and not recommence until such time as an alternative and been submitted to and agreed in writing by the local planning authority. All subsequent work shall comply with any amended mitigation measures.

Reason: To safeguard the ecology of the site in accordance with saved policy EC3 of the South Somerset Local Plan.

09. 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 in writing by the Local Planning Authority.

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

10. No development hereby approved shall be commenced until such time and details of the existing and final levels, including finished floor levels, have been submitted to and approved in writing by the local planning authority. Once approved such levels shall be implemented as part of the development hereby approved.

Reason: In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

11. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

(a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning

Authority, and these shall be accepted in writing and thereafter implemented.

On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that any land contamination can be dealt with adequately in the interests of the amenities of future occupiers in accordance with saved policy EP5 of the South Somerset Local Plan.

12. 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.

13. The development hereby permitted shall be carried out in accordance with the revised site layout received 05/04/13.

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