

Area North Committee – 26 February 2014

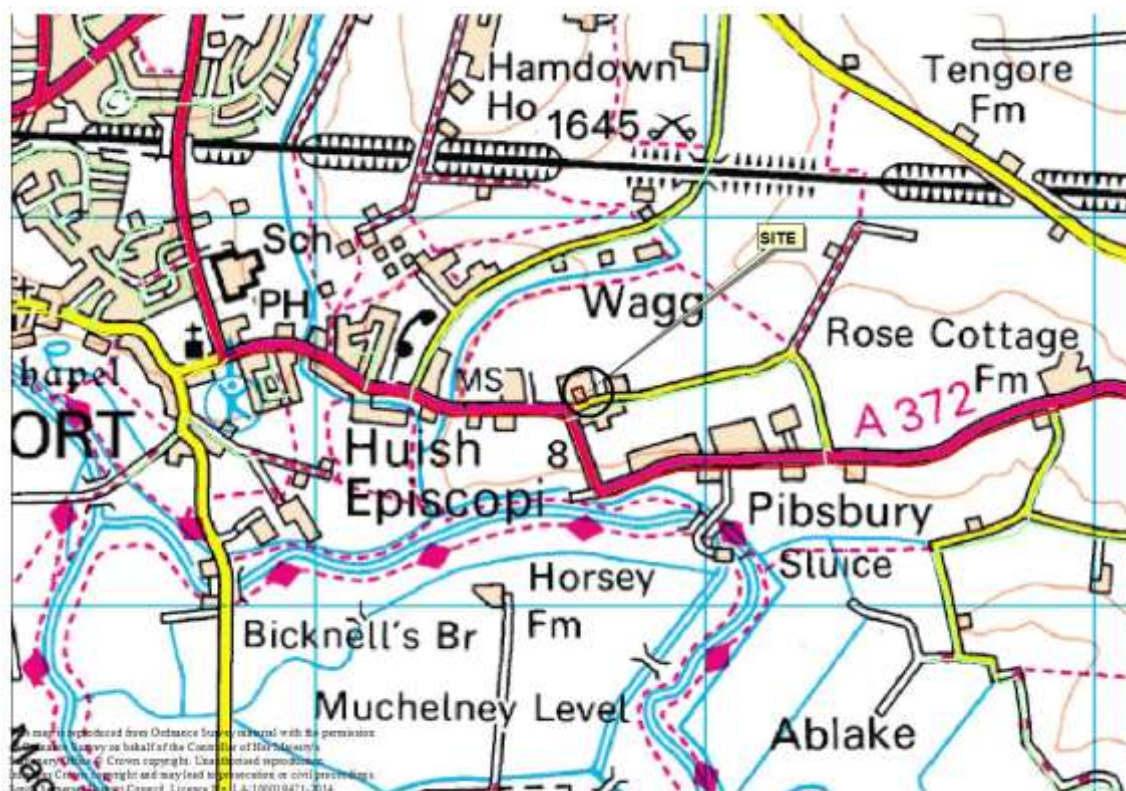
Officer Report On Planning Application: 13/05051/OUT

Proposal :	Demolition of farm buildings and erection of 2 dwellings (GR 343667/126515)
Site Address:	Highfield Farm, Windmill Lane, Pibsbury.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Roy Mills
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	10th February 2014
Applicant :	Mrs G Russell
Agent: (no agent if blank)	Clive Miller Associates Ltd, Sanderley Studio, Kennel Lane, Langport, Somerset TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is for two dwellings outside and not adjacent to settlement limits and is therefore referred to Area North Committee, in accordance with the Council's adopted scheme of delegation, as it represents a departure from the saved policies of the local plan.

SITE DESCRIPTION AND PROPOSAL





The application site is a farm situated on the north side of Windmill Lane in Pibsbury, a loose linear collection of properties located along the A372 to the east of Huish Episcopi and outside the development area as defined by the South Somerset Local Plan. The site is made up of the original farmyard and is mostly covered by a group of large, dilapidated agricultural buildings. There is a traditional stone barn to the east of the application site and main dwelling (Highfield Farm) to the west. Another large agricultural building is located to the north west of the application site, to the rear of Highfield House. Neighbouring properties are located to the east and south with open land to the north and west of the site. The site is also located approximately 585m from Wet Moor SSSI and 325m from Muchelney level County Wildlife Site.

The application is made for outline planning permission for the demolition of existing agricultural buildings and redevelopment of the site for residential purposes. It is proposed that all detailed matters are reserved, with the exception of access. An indicative layout has been provided showing the provision of two detached dwellings, parking area and access. The development is proposed alongside the conversion of the stone barn to the east of the site.

HISTORY

- 13/05050/FUL Conversion of redundant farm building to a dwelling - Pending consideration.
- 13/03902/FUL Proposed alterations and extensions to Highfield House - Permitted with conditions.
- 03/01738/AGN Erection of an agricultural storage barn - Permitted with conditions.

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,

Relevant Development Plan Documents

South Somerset Local Plan 2006:
 ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EC5 - Sites of Special Scientific Interest (SSSIs)
 EC6 - Locally Important Sites
 EC8 - Protected Species
 TP1 - New Development and Pedestrian Movement
 TP7 - Car Parking

Policy-related Material Considerations

National Planning Policy Framework (March 2012):
 Core Planning Principles - Paragraph 17
 Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes
 Chapter 7 - Requiring Good Design
 Chapter 10 - Climate Change and Flooding
 Chapter 11 - Conserving and Enhancing the Natural Environment

OTHER POLICY CONSIDERATIONS

Recent appeal decisions at Verrington Hospital (11/02835/OUT) and Slades Hill (12/03277/OUT) - have established that the District Council does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

CONSULTATIONS

Parish Council – Huish Episcopi Parish Council has no objections to the barn conversion, but has recommended that the garden be increased to complement the size of the dwelling. With the outline application, also HEPC has no objections in principle. It again recommends larger gardens and maybe two detached dwellings set further back, rather than three terraced, would be more in keeping with other nearby dwellings. Councillors did have some concerns about the parking, layout and access arrangements, all of which will need to be addressed in the full application.

SCC Highway Authority - County Council Standing Advice should be applied, specifically provision of appropriate visibility splays (2.4m x 43m), properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

Natural England - No objections.

SSDC Ecologist - Having considered the information submitted, the Council's Ecologist

has no comments or recommendations to make.

SSDC Landscape Architect - No objection subject to orchard and specimen tree planting as indicated on revised plans.

SSDC Environmental Protection Officer - No formal comments received - Members to be updated at Committee.

REPRESENTATIONS

The application has been advertised by site notice for the requisite period. One local resident has commented on the application. No objection has been raised but there is an element of concern in respect to the number of parking spaces proposed. It is requested that adequate parking be provided to avoid the need to park beyond the site, preferably by providing more space in front of the houses and garages.

CONSIDERATIONS

Principle of Development

In terms of principle, the site is located beyond any defined development area, where residential development is normally strictly controlled by local and national planning policies. However mindful of the council's lack of a demonstrable 5 year housing land supply the application needs to be considered on its merit in terms whether this is a sustainable location for development, what benefits the development would bring to the local community and whether there are any site specific objections.

The application site comprises a group of large dilapidated pole barns within a redundant farm yard, which is considered to be previously used land. The applicant seeks to justify the proposal by stating that the site is well related to the existing settlement of Huish Episcopi and Langport in that there is a continuous footpath from the junction of Windmill Lane and the A372 and that there are local services within easy walking distance (i.e. the Rose and Crown Public House around 300m, Huish Episcopi Academy and Sports Centre a further 200m, as well as the other key services available within the Huish/Langport area). Further justification is provided in the form of the environmental and visual enhancements that will be generated by the proposed redevelopment of this disused farm site.

Having considered this justification, the distances do seem to differ from that stated in the design and access statement. It is noted that the site is actually approximately 380m from the edge of the Huish Episcopi defined development area, 700m from the public house, 1km from the entrance to Huish Episcopi Academy and 1.8km from Langport town centre (junction of The Hill and North Street/Cheapside). For this reason, officers do not fundamentally accept that this is a sustainable location. Notwithstanding this, there are clear benefits that would result from the redevelopment of this site. At present, it is very unkempt as a result of the existing agricultural buildings, which are very large open sided structures that are in a run-down state, covering almost the entire extent of the application site. In this particular case, it is considered that there are grounds to support the redevelopment of this site in order to secure the enhancement of this site. As such, it is considered that the development is not wholly unsustainable subject to balancing the other considerations, which include the other benefits that would result from the proposal.

While there are still some concerns about the distance from local services, it is acknowledged that there is a connecting footpath for the entire route into Huish Episcopi

and beyond and there is some reasonable prospect that future residents wouldn't be completely reliant on motor vehicles. The site is also located among a small group of residential properties and development is likely to be consistent in scale and character to the local area.

After careful consideration, the proposed modest scaled development is deemed to accord with the objectives of sustainable development, as set out within the emerging local plan and the NPPF and to be, in principle acceptable, subject to the following considerations.

Scale, Design and Appearance

The application is made for outline permission with all matters reserved other than access to the site. As such, final design details would be determined in a later reserved matters application. Nevertheless, indicative drawings show two detached dwellings set back from the public highway behind a parking area to serve the development.

Initially, the indicative layout constituted three dwellings in a terrace form. Planning officers were not particularly satisfied that the proposal warranted such a high level of development, a point which was shared by the Parish Council, which did not object in principle but expressed their preference for two detached dwellings. Subsequently the applicant has confirmed that they are satisfied with this arrangement and a revised indicative layout has been received for two dwellings. In principle, the two dwellings are considered generally satisfactory and will be more consistent with the development that characterises this area, subject to approval of final under reserved matters.

The scheme does include the removal of roadside vegetation, which a 1.8m natural stone wall being extended from the adjoining barn and across the site frontage, which is considered to be acceptable. It is also proposed to plant specimen trees to either side of the proposed access, within the site and to carry out hedge planting and orchard planting to the north of the site, which has satisfied the Council's Landscape Officer.

Residential Amenity

The proposed dwellings are located at a reasonable distance from the main dwellinghouse (Highfield Farm) and have a good relationship to the barn to the east, which is subject to planning application 13/05050/FUL, to convert to another dwelling. They are also set well back from the highway so will have no adverse impact on the properties on the opposite side of Windmill Lane. Final details of design, including position of openings will be addressed at reserved matters stage.

It is noted that there is an existing agricultural building to the rear of Highfield Farm, which is to be retained for use in connection with that property and the small amount of remaining land, also associated with it. The applicant has advised that they intend to use it for agricultural storage purposes but not for the housing of livestock. There are no objections to this in principle, however there are currently no restrictions on this building's use for accommodating animals and if that were to occur in the future, its proximity to the proposed development does raise concerns in respect to potential odour generation. Despite this, the applicant has agreed to enter into a legal obligation to ensure that the building cannot be used for livestock accommodation. This is considered to appropriately address potential residential amenity concerns and as such, its retention is considered to be acceptable subject to the appropriate legal agreement being completed.

Overall, the site is considered appropriately sized to accommodate the proposed development with a reasonable prospect that there will be no unacceptable harm caused to the residential amenity of existing and future residents within the immediate area.

Highway Safety

The application seeks to approve the means of access, with all other matters reserved. The County Highway Authority has raised no objections in principle to the proposal but has noted that standing advice should be taken into account. In this case, the proposed access arrangements incorporate the required visibility splay of 2.4m by 43m, of which all the necessary land is within the applicant's control or that of the Highway Authority.

The indicative layout also shows adequate space for turning of vehicles and for the parking of up to seven cars, which is sufficient to meet the requirements for two four bedroom houses in this location. Details of surface finish and drainage arrangements will be dealt with by condition.

Overall, the proposal is considered to accord with the standing advice and there are no objections in respect to highway safety.

Other Issues

The site has been investigated for evidence of protected species, a bat and bird survey carried out. This survey showed no evidence of either and as such, there are no objections or requirements in respect to local ecology.

The site is also near to Wet Moor Site of Special Scientific Interest (SSSI) and Muchelney Level County Wildlife Site, however the proposed development is not considered to have any adverse impact on these national and locally important sites.

Conclusion

It is considered that while the site is located beyond defined development limits and relatively distant from local services, it is considered to be wholly unsustainable when balanced against the other considerations referred to above. As such, the proposed development is considered to be acceptable and furthermore will have no adverse impact on local landscape character, highway safety and ecology and will cause no unacceptable harm to residential amenity.

RECOMMENDATION

The application be approved subject to:-

- (i) 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, to ensure that the adjacent agricultural building, which is to be retained in connection with Highfield Farm, is not used for the purpose of housing livestock.
- (ii) conditions, as set out below:

Justification

The proposed development is considered to be an acceptable re-use of previously used land that will enhance its immediate setting and would contribute to the council's housing supply. Furthermore, the site is considered to be reasonably capable of accommodating the proposed development, without demonstrable harm to the local landscape, visual or residential amenity, ecology and highway safety. As such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, EC3, EC5, EC6, EC8, TP1 and TP7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

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

02. Approval of the details of the site layout, scale, design, finished floor levels and external appearance of the building(s), plot boundaries and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of Town and Country Planning (General Development Procedure) Order 1995.

03. Application for approval of 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.

04. The development hereby permitted shall be carried out in complete accordance with the following approved plans: '6341-10B', received 11th February 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

05. The development hereby permitted shall comprise no more than two dwellinghouses.

Reason: To ensure an appropriate form of development and as it has not been satisfactorily demonstrated that additional development is required to provide the on-site benefits that are deemed to override sustainability concerns, in accordance with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5 and ST6 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to protect the local water environment, in accordance with saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

08. The development hereby permitted shall not be commenced until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

09. 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 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. The landscaping scheme shall be submitted in accordance with details as indicated on approved plan '6341-10B'.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

10. No development hereby permitted shall be commenced unless details of the finished floor levels of the dwellings to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the agreed details unless otherwise further agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43.0m both sides of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

12. The proposed access over at least the first 5.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved works shall be provided and constructed before the development hereby permitted are first occupied and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until details of a properly consolidated and surfaced parking and turning area have been submitted to and agreed in writing by the Local Planning Authority. The said parking and turning spaces shall thereafter be kept clear of obstruction at all times and not used other than for the 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 and the provisions of chapter 4 of the National Planning Policy Framework.

14. 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 by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the dwellings hereby permitted are first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Houndstone Business Park, Yeovil BA22 8RT, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
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