

Area West Committee – 19th June 2013

Officer Report On Planning Application: 13/01340/OUT

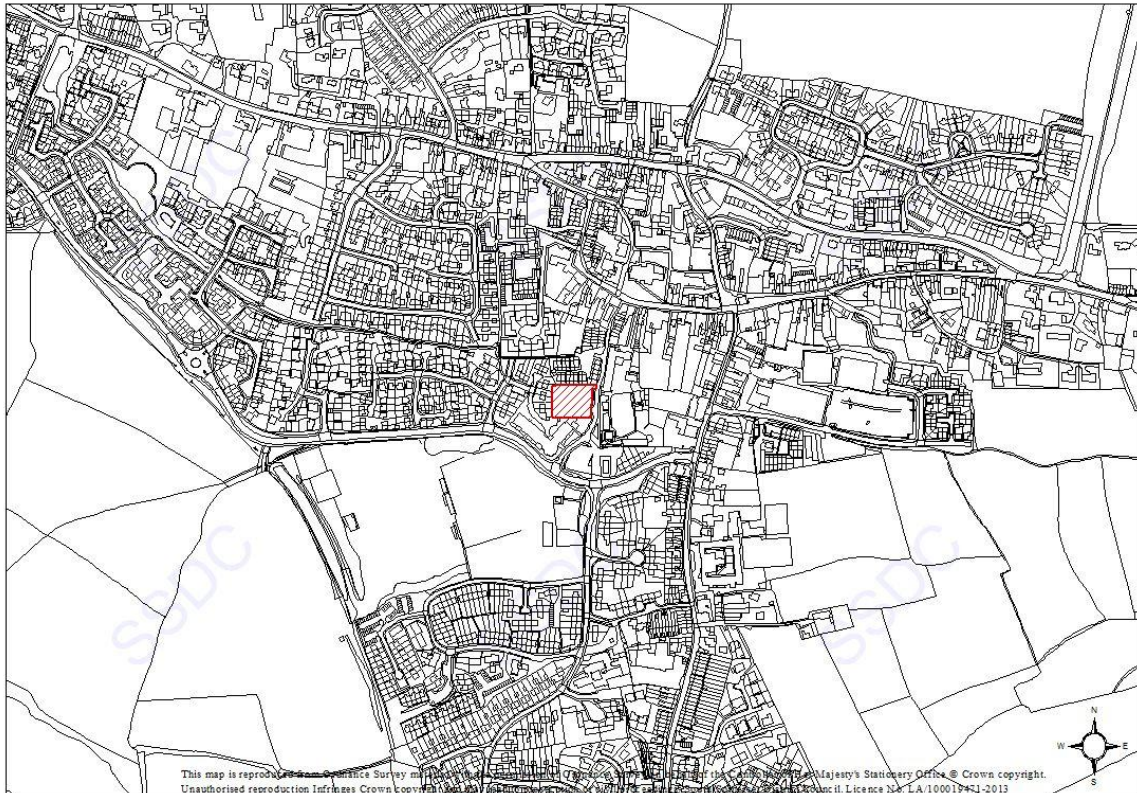
Proposal:	The erection of 8 No. dwellings (Revised Application). (GR 335927/114415)
Site Address:	Summervale Medical Centre Wharf Lane Ilminster
Parish:	Ilminster
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall Cllr K T Turner
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	28th May 2013
Applicant:	Mr Anthony Davey
Agent: (no agent if blank)	A Branch Fairway, Venn Farm Lane Higher Exeter Road Teignmouth Devon TQ14 9PB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is presented to the Committee at the request of the Ward Member and with the agreement of the Area Chair in order for the Committee to consider the various planning issues including marketing of the site.

SITE DESCRIPTION AND PROPOSAL





The application comprises the now vacant doctor's surgery along with associated parking. The building is single storey in design and was constructed in the 1980's of reconstituted stone with tiled roof. It occupies the south-western part of the site with parking to the north and east. A mature beech hedge fronts Wharf Lane. The site is accessed from Wharf Lane at the south-east of the site, with residential housing to the north and west, with Mulchelney House (a sheltered housing scheme for the elderly) to the south. A new surgery has been built to the south of Canal Way to replace the surgery.

The application is in outline (with layout and access to be considered at this stage) for the erection of eight detached houses (the plans have been amended from the nine dwellings originally proposed). The proposed access would be central to the site, with a cul-de-sac form of development running along either side of the access road. This is a revised application following the refusal of a similar application for nine dwellings. The changes are to the layout which now shows a more formal layout. An indicative front elevation is supplied which shows how the front two dwellings could be built to include a carriageway entrance.

The site is within the development area of Ilminster and sits opposite the conservation area boundary which includes Greenflyde First School a Grade II listed building on the opposite side of Wharf Lane.

HISTORY

12/04965/OUT - The erection of nine dwellings. Refused 6/3/2013.

891213 - Alterations and extension to surgery. Approved 1989.

851819 - Reserved Matters (842030) Erection of a doctor's surgery and car parking. Approved 1985.

842030 - Outline: The erection of a Doctor's Surgery together with associated car parking on land off Wharf Lane, Ilminster. Approved 1984.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006:

Policies:-

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

TP7 - Residential Parking Provision

CR2 - Provision of Outdoor Playing Space and Amenity Space in New development

CR3 - Off Site Provision

National Planning Policy Framework 2012

Chapters:-

6. Delivering a wide choice of high quality homes

7. Requiring good design

8. Promoting healthy communities

12. Conserving and enhancing the historic environment

SCC Parking Strategy 2012

CONSULTATIONS

Ilminster Town Council:-

Recommend refusal of the original plans for nine dwellings on the grounds of:-

- Over development
- Design over powering
- Concern of drainage
- Loss of amenities
- Impact on listed buildings.

County Highway Authority (as previous):-

As the proposed dwellings would create less traffic movements than the surgery they have no objections subject to the imposition of conditions.

Economic Development (comments on previous application 12/04965/OUT):-

Having considered the marketing of the site as a community use, the Economic Development Team (ED) conclude that the property has not been effectively marketed in association with its current use (Class D1 'Non-residential Institutions) and has not been marketed for an acceptable length of time. ED has assessed the valuation of the site and

concludes that it is satisfactory but advises that an offer by local churches should be thoroughly investigated. ED recommends that the application should be refused and the property more proactively, effectively and accurately marketed under its current use class.

SSDC Community, Health and Leisure Service (comments on previous application 12/04965/OUT):-

They note that their needs assessment for Ilminster shows a shortfall of community hall provision. Their response regarding contributions is based on the erection of nine additional dwellings in the town. Having assessed the application and the increased demand for outdoor playing space, sport and recreation facilities they calculate that the overall level of planning obligation to be sought is £44,116.70, equating to an overall contribution of £4,901.87 per dwelling.

Planning Policy (comments on previous application 12/04965/OUT):-

'I have now had a chance to take a look at the proposal to demolish the Summervale Medical Centre in Ilminster and erect 9 dwellings. The relevant policy considerations are:

- 1) The NPPF - Para 70 states that LPA should guard against the loss of valued facilities and services where this would reduce the community's ability to meet its day to day needs and that the LPA should enable buildings to be developed and modernised in a way that is sustainable and retained for the benefit of the community.
- 2) Saved Local Plan Policy MS1 resists the loss of local services where this results in a significant or total loss of such a service to the community. In such instances the applicant should demonstrate that they have sought to secure a suitable business or local community re-use.
- 3) The emerging Local Plan Policy EP15 resists the significant or total loss of a site/and or premises currently or last used as a community facility, unless the applicant has demonstrated alternative provision or marketing for alternative community/business uses.

In the case of the Summervale Medical Centre, an alternative medical centre has been provided at Canal Way. Unless this is the only community building available in Ilminster and its loss can be deemed significant or prevent the community meeting its day-to-day needs, there is no planning policy objection to the proposed development.'

Wessex Water:-

No objection, give advice about water supply and waste connections.

Area Engineer, Technical Services Department:-

- No apparent increase in impermeable surfaces.
- Site is not within a flood risk area.
- Development acceptable in drainage terms.

Environmental Protection Officer:-

No observations.

Any comments in response to the amended plans will be reported at the meeting.

REPRESENTATIONS

Three letters of objection (one from a local firm of architects) and one letter of representation have been received in response to the original plans for nine dwellings.

The objectors comments are summarised as follows:-

- Dismayed at closeness of Plot 4 to no. 12 Lamplighters; this will block light.
- Query who will be responsible for maintenance of the boundary hedge and seek assurances that drains will not be affected.
- There have been development proposals which increase the population of the town - it will be a pity if this site would be no longer available for use by the community and the site could be used by local schools to cope with increased demand.
- Demolition of the building would be a waste of resources and contrary to need to conserve energy.
- The proposal by virtue of its sub-urban layout does not respect the form, character and setting of the locality or complement its key characteristics to maintain local distinctiveness contrary to Policies ST5 and ST6 of the Local Plan and advice within the NPPF.
- The proposal by virtue of its layout, placing buildings within close proximity to existing residential properties will cause harm to the residential amenity of those dwellings and that of the proposed and as such would be contrary to Policy ST6 of the Local Plan and advice within the NPPF.
- The proposal by virtue of its loose site arrangement reminiscent of 1980's sub-urban layout would be detrimental to the setting of the Ilminster Conservation Area and a nearby Listed Building contrary to Policies EH1 and EH5 of the Local Plan and advice within the NPPF.

The letter of representation advises that there is no objection to the erection of nine dwellings but raises concerns about the amount of traffic that will result especially with a school in such close proximity.

Any comments in response to the amended plans will be reported at the meeting.

APPLICANTS CASE

From previous application 12/04965/OUT:-

- It has been common knowledge in Ilminster that the site has been available for purchase.
- Government policy clearly states that proposals should be approved whenever possible.
- Note that no objections have been received from the residents at Lamplighters.
- There is no realistic bid for a community use at present. The offer made by a local church falls significantly short of the value determined by the District Valuer and is unacceptable to the current owners of the site.
- In the absence of any realistic offer to purchase the building for community use in the last 18 months it is neither sensible nor desirable to resist the application for nine houses. The Planning Committee must recognise that not to do so would be out of step with the national political imperative towards building new houses.

The applicant has agreed to enter into a s106 legal agreement with regard to the contributions required by the Community, Health and Leisure Service.

CONSIDERATIONS

The main planning considerations in this case remain as with the previous application (12/04965/OUT) and are considered to be the principle of residential development in place of an existing community use; impact upon residential amenity; proposed design and impact upon the setting of the conservation area and setting of a listed building; and the issue of highway safety.

The principle of residential development in place of an existing community use

The site is situated within the development area of Ilminster where there is normally a presumption in favour of residential development. However, the existing building currently benefits from a community use and the loss of this building/use has to be assessed. There is clearly concern from the Economic Development Team regarding the way in which the site has been marketed. However, this has to be balanced against the views of the Planning Policy Department who consider that as there has been a new surgery developed as a replacement of the application building then there is no planning policy objection to the proposal. As such, whilst the views of the Economic Team are recognised, it is accepted that the replacement surgery has ensured that there is no net loss of community use within the town and it would not therefore be possible to refuse this application on the basis of the loss of the community building on the site. Therefore, the principle of developing the site for residential development is accepted as being in accordance with both national and local plan policies.

Impact upon residential amenity

The amended plans show an improved relationship between the proposed dwellings and the surrounding properties on in Abbots Close and Lamplighters to the north and west of the site. The gardens for the existing properties are very modest between 5m - 9m in length and as such it was considered important to ensure that the new dwellings were situated at a sufficient distance from the boundaries. The amended plans now show greater distances between the proposed houses and the existing dwellings and as such the relationship, whilst not ideal, is considered to be acceptable. Whilst the back to back distances still fall below the 20m separation one would normally expect for adequate protection of neighbouring amenity, the site is situated within the town centre where more dense forms of development can be considered acceptable. Additionally, conditions can be imposed to ensure that any first floor windows on the sensitive boundaries can only be obscurely glazed.

Proposed design and impact upon the setting of the conservation area and setting of a listed building

One of the reasons for refusal on the previous application related to concerns about the proposed layout and its failure to adequately respect the historic context of the site. The amended plans now show a more formal arrangement of dwellings. The two dwellings at the entrance to the site will now face onto the street and provide an improved street scene that relates well to the historic setting. The plans include an indicative elevation that shows a carriageway entrance to the site and it is considered that this would be an appropriate design solution. As such, it is considered that with the reduction in the number of units, the more formal layout and improved street scene the proposal is now acceptable in terms of its impact upon the setting of the conservation area and listed building.

Highway safety

In light of the significant amount of traffic movements that would have been associated with the use of the building as a surgery it is likely that nine dwellings would generate significantly less traffic movements. In the circumstances, it is not considered that the application could be refused on the basis of highway safety. However, it is noted that by relocating the access to the centre of the site it is likely that much of the mature beech hedge will have to be removed in order to provide appropriate levels of visibility.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £4,901.87 per dwelling, giving a total of £39,214.96 (which includes a 1% administration fee). The applicant has agreed the total contribution and the application is therefore

considered to comply with policy ST10 of the South Somerset Local Plan.

Summary

Whilst it is accepted that this site can be developed for residential purposes, the proposed layout will result in a significant loss of amenity to neighbouring properties through lack of adequate back to back distances, overlooking of rear gardens and windows and the overbearing nature of the proposed dwellings situated within a few metres of the shared boundary. Furthermore, the suburban design has failed to pay appropriate respect to the historic context and as such it would have an adverse impact on the setting of both the conservation area and adjacent listed building.

RECOMMENDATION

That application reference 13/01340/OUT be approved 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 £4,901.87 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
- b) The following conditions:

Justification:

01. Notwithstanding the local concerns, the proposal, by reason of its location, represents appropriate infill within the defined development area that will not adversely impact upon neighbouring amenity, respects the historic character of the area and does not foster growth in the need to travel. It is therefore sustainable development that accords with the aims of objectives of saved policies ST5, ST6, ST10, EH1, EH5, CR2 and CR3 of the South Somerset Local Plan 2006 and advice within the NPPF.

SUBJECT TO THE FOLLOWING:

- 01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

- 02. The application for approval of the reserved matters shall indicate:
 - a) materials to be used for the external walls and roofs;
 - b) materials to be used for rainwater goods;
 - c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses;
 - d) details of eaves/verges;

- e) location and design details of all vents, flues and meter boxes;
- f) details of all internal and external boundary treatments; and
- g) the surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.

Reason: To maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (2006).

03. The application for approval of the reserved matters shall include details of the finished floor levels of the buildings to be erected on the site.

Reason: In the interests of the visual and residential amenity of the area, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006).

04. The application for approval of the reserved matters shall include a scheme for foul and surface water drainage. Such approved drainage details, which shall include provisions to prevent the discharge of surface water onto the public highway, shall be completed and become fully operational before the occupation of any dwelling. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is adequately drained.

05. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 2013/4/2 received 13/01340/OUT (layout only, no approval is given to the indicative front elevation AA).

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

06. 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 to accord with Policy ST5 of the South Somerset Local Plan (2006).

07. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. 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;
Car parking for contractors;
Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
A scheme to encourage the use of Public Transport amongst contractors; and
Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

08. There shall be 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 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

09. Any first floor windows in the rear of the dwellings hereby approved on the northern or western boundaries shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives:

01. The applicant is advised that depending on the size of the proposed dwellings at the reserved matters stage the respective number of parking spaces shall be determined in accordance with the Somerset County Council Parking Strategy (March 2012).

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

02. The applicant is advised that depending on the size of the proposed dwellings at the reserved matters stage the respective number of parking spaces shall be determined in accordance with the Somerset County Council Parking Strategy (March 2012).
-