

14/12/0028

MR & MRS BAKER

**CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO FORM A RESIDENTIAL DWELLING AT BEDRUTHAN, BULL STREET, CREECH ST MICHAEL**

Grid Reference: 327711.125206

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The site is in a sustainable location within the village and comprises the conversion of an existing building. The proposal is considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore does not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo 5811/3 Rev A Location- Site Plan

(A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing

(A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed

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

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or

as otherwise extended with the agreement in writing of the Local Planning Authority.

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policy CP8.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the window to be installed in the West elevation shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Taunton Deane Core Strategy Policy DM1.

- 5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure any further development of the site does not result in an increase risk of flooding or adverse impacts on the amenities of nearby properties in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

- 6. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.

7. Finished floor levels of the development shall be set no lower than 9.14m AOD.

Reason: To ensure that the development is appropriately resilient and resistant to

flooding in accordance with NPPF paragraph 103 and Core Strategy Policy CP8.

8. No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development is appropriately resilient and resistant to flooding in accordance with NPPF paragraph 103 and Core Strategy Policy CP8.

9. The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ACE Consulting's submitted report, dated October 2011 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect bats and birds and their habitats from damage bearing in mind these species are protected by law.

10. The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed

prior to the occupation.

Reason: To prevent pollution and flooding of the area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

#### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

## **PROPOSAL**

The application is for conversion of the building to a two bedroom dwelling with a single storey lean-to extension to the rear. The proposal makes use of the existing openings to form a window and door on the south (front) elevation and a window on the west elevation. Roof lights will be installed on the north and south elevations along with a new kitchen window on the north east elevation. The ground floor will comprise a kitchen, utility, W.C. and lounge/dinning room with stairs leading to two bedrooms and a shower room. There is a small area to the rear for amenity space

## **SITE DESCRIPTION AND HISTORY**

The site comprises a small plot on the northern side of Bull Street. Within the plot there is a small detached agricultural barn, largely stone and brick with a tiled roof. To the north of the barn is an existing ditch and to the east is a grass verge. To the east and south there are the gardens and buildings belonging to No 2 Fairview. This section of Bull Street is an un-adopted road in private ownership which leads to Brickyard Farm.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Objects on grounds of overlooking on adjacent property and concerns over road access and parking, including to other users of the lane.

*SCC - TRANSPORT DEVELOPMENT GROUP* -

In terms of traffic generation the proposed development may generate a similar level of traffic to that of the existing/former uses of the barn, but the nature of the trip patterns connected with a residential use are likely to be very different with a higher level of longer distance trips.

The village of Creech St Michael does not accommodate adequate services and facilities. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S7 of the Taunton Deane District Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the retention of the building(s) for re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The site is located at the end of Bull Street an unclassified section of highway to which a 30mph speed limit applies. It was observed during my site visit that vehicle speeds are significantly reduced due to the restricted width of Bull Street. Additionally, vehicle movements in this location were low at the time of my visit.

In detail the application seeks to convert an existing agricultural barn to a residential dwelling. Having made a site visit and studied the information supporting the planning application, I have liaised The Road Records Team and I have been made aware that the development is located approximately 60metres from the adopted public highway along a unadopted section of carriageway.

As Creech St Michael has been identified as a Zone B for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states a two bedroom dwelling must provide two vehicle parking spaces as an optimum standard.

Therefore the proposed residential scheme is in line with the Somerset County Council – Parking Strategy. It is noted from the Design and Access Statement, that the proposed parking for the proposal will be located on verge in proximity to the dwelling. Given that this is unadopted the Highway Authority can only suggest that the applicant hard surface the parallel parking bays. Therefore, in light of the above mentioned comments, there is no objection to this proposal from the Highway

Authority.

*ENVIRONMENT AGENCY* - We have no objection to the application as submitted subject to conditions

*BIODIVERSITY* - Recommends conditions requiring a strategy to protect breeding birds and bats.

*LANDSCAPE* - Acceptable subject to landscaping around the car parking area.

*WESSEX WATER* - New water supply and waste water connections will be required.

*SOMERSET DRAINAGE BOARD* - Does not object subject to condition requiring details of surface and foul water drainage to be approved in writing and informative regarding the requirement of Land Drainage Consent from the Parrett Internal Drainage Board.

Details submitted do not indicate how the development will be served by foul drainage. Details of foul drainage and surface water drainage need to be approved in writing

*ENVIRONMENTAL PROTECTION TEAM* - recommend condition regarding contaminated land

## **Representations**

Seven letters of OBJECTION from five objectors have been received;

- Overlooking from window on west elevation
- Is the proposed parking area on land owned by the applicant?
- The property will be accessed via a narrow private road which is in constant use by large agricultural machinery
- The parking area is on a narrow corner and may present a hazard
- The ditch to the rear may become a nuisance and be piped and filled at an incorrect level leading to problems in the Bull Street area.
- This end section of Bull Street is in private ownership and had been maintained and tarmaced by the owner.
- A gate marks the start of the private section of the roadway.
- The site location plan and layout plan show an area to the front of the barn which may encroach onto the roadway.
- The parking may block access for agricultural vehicles.
- The accessway to the field sited to the rear of the barn is for agricultural use only.
- There is an oil tank on the adjoining property which is sited approximately 3 metres from the proposed dwelling.
- The verge is used as a passing place at busy times of farming activity.

## PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
NPPF - National Planning Policy Framework,  
M4 - TDBCLP - Residential Parking Provision,

## DETERMINING ISSUES AND CONSIDERATIONS

The detached brick barn lies within the designated settlement limits of Creech St Michael, albeit on the edge. It is considered to be a sustainable location for conversion to residential accommodation. The main impacts to be assessed are residential amenity, visual amenity, flooding, highway safety, protected species and contaminated land.

Residential amenity - The closest properties to the barn are a pair of semi-detached houses to the south west (No's 1 & 2 Fair View). The south western and western boundaries of the site adjoin the rear garden of one of these houses. The proposal includes a window at first floor level on the west elevation which could result in overlooking onto the private amenity space of the adjoining property. To prevent this from occurring the applicant has agreed to a condition ensuring this window is obscure glazed. To ensure no overlooking takes place it will also be necessary for this window to be fixed shut. In respect to the remainder of the development there will be no loss of privacy or loss of light to surrounding properties.

Visual amenity – The proposed alteration will result in minimal alterations to the external appearance of the barn. Existing openings will be utilized on the front elevation to create a window and doorway. There is to be a small lean-to extension to the rear to provide a utility room. The materials used on the extension will match those on the existing barn. Conservation style roof-lights are to be installed on the north and south elevations. There is considered to be no adverse visual impact from the proposal.

Flooding – The site lies within the floodplain. As the application is a conversion and not a new build it is not thought to increase the risk of flooding elsewhere. The Environment Agency do not object to the proposal subject to conditions ensuring the floor levels are set no lower than 9.14m AOD and details regarding flood resilient design techniques are submitted and approved in writing. Details of foul sewage would need to be submitted and approved in writing to ensure there are no adverse impacts in the event of flooding.

Highway safety – Somerset County Council do not object to the proposal as it is on an un-adopted road. The proposals show two parking spaces to be provided alongside the road on an area which is currently a grassed verge. There is a lot of concern from nearby residents on the provision of these parking spaces and of the ownership of the land. On the application form Certificate D has been signed indicating that the applicant does not own all of the land and has not been able to find out who owns part of the site. Notice of the application was published in the local newspaper. The planning application has to be decided irrespective of who owns the land. Lack of ownership of the site can not be a reason for refusing the application.

The two parking places shown are considered to be adequate provision for the size of dwelling to be created. It is appropriate to condition these spaces to be formed and hard-surfaces prior to the occupation of the residential unit as although within the settlement limits, the site is unlikely to be a suitable location for a car-free development. There is concern that no turning area is provided within the site. As the road is privately owned there is no way to ensure a turning area can be maintained further along the road. There is a field gateway adjoining the east boundary but it is not deep enough to provide a decent turning area and as it is outside of the site boundaries there is nothing ensuring that this will be retained in the future.

Protected Species – A suitable condition would be required to ensure bats and breeding birds are not affected by the proposed development.

Contaminated Land – At one time it is expected that the barn and land was actively used as part of a farm. It is therefore important that adequate contamination prevention measures are undertaken to ensure the safety of the occupants of the proposed unit.

On balance, the application is not considered to affect residential or visual amenity and the application is recommended for conditional approval. The issues raised in the representations received, regarding the access road, need to be resolved outside of the planning process.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**